

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on **May 12, 2005**.

MEMBERS PRESENT:

Leg. Daniel P. Losquadro, Chairman
Leg. Jay H. Schneiderman, Vice•Chairman
Leg. Allan Binder
Leg. David Bishop
Leg. Vivian Vilorio•Fisher
Leg. John M. Kennedy, Jr.

ALSO IN ATTENDANCE:

Legislator Ricardo Montano, Ninth District
Mea Knapp, Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Janet Longo, Department of Real Estate
Lauretta Fischer, Department of Planning
Jaqueline Caputi, Assistant County Attorney
Kevin LaValle, Aide to Leg. Losquadro
James Tesse, Aide to Leg. Kennedy
Maria Ammirati, Aide to Leg. O'Leary
Charles Bender, PO's Office
Thomas Williams, Cornell Cooperative Extension
Dale Moyer
Tansen Yeh

Jennifer B. Kohn, Assistant County Attorney
Carl Garvey, USEPA Region II, Office of Regional Counsel
Amy Duryea, Aide to Leg. Schneiderman
Eric Brown, Aide to Leg. Schneiderman
Terry Pearsall, Aide to Leg. Lindsay
Tom Carroll, Aide to Leg. Bishop
Chris O'Connor, Neighborhood Network
Alexander Peters
Kevin McDonald, Nature Conservancy
Julie DeBold, Long Island Farm Bureau
H. Pat Voges
Lynda Distler
Anne Baird
Julie Penny

ALSO IN ATTENDANCE: (Continued)

Eric Alexander, LI Regional Planning Board
Sarah Anker
Laura Weinberg
Beth Fiteni
Maureen Dolan
Dr. Sue Avedon
Karen Joy Miller

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

(THE MEETING CONVENED AT 2:55 PM)

CHAIRMAN LOSQUADRO:

Could I ask Legislators to please report to the horseshoe so we can begin the Environmental, Planning and Agriculture Committee. We have a number of cards. We would like to get them started as soon as possible.

I call the Environment, Planning and Agriculture to order. We'll begin with the Pledge of Allegiance led by Legislator Vilorio•Fisher.

(SALUTATION)

CHAIRMAN LOSQUADRO:

Thank you everyone for coming. We have a number of cards. We'll go straight to the public portion. Speakers have three minutes. Please try to be succinct in your comments.

Our first speaker is Julie Penny. You can either use the podium or have a seat, wherever you're more comfortable. Good afternoon. Thank you for waiting.

MS. PENNY:

Good afternoon. I'm Julie Penny.

CHAIRMAN LOSQUADRO:

It's on.

MS. PENNY:

I'm Julie Penny, Co•chair of the South Fork Ground Water Task Force. And I'm here today in support of Legislator Jay Schneiderman's bill that would restrict the use of toxic lawn chemicals restricting it to only allowing licensed applicators to be able to use these chemicals.

I have to say that anything that would lessen the amount of pesticides and herbicides and fungicides in the environment •• in our environment is a step toward sanity and preserving our health. I was outraged at the last meeting •• public hearing that they had when certain people from the industry stood up and said there were no health studies that show the deleterious

effects of pesticides when, in fact, there are and I've spent years reading dozens and dozens and dozens of these health studies.

And today I brought to you a sampling of some of these studies that I'm handing into the record today. I will just briefly name some of them. One is a •• chemicals linked to the declining male reproductive health, which was a report from the National Institute of Environmental Health Studies, which is a federal agency. And it describes serious deterioration of male reproductive system in many regions of the world and suggests it may be caused by environmental chemicals including pesticides. And it's such •• as increasing incidents of testicular cancer, incidents of birth defects of the penis, undescended testicles and declining sperm quality and quantity.

Another one is low dose agra chemicals and lawn care pesticides induce development toxicity in pre•implantation of embryos, pre•natal exposures and disease. And that one cites numerous incidents of testicular cancers. And the levels of long lived organo•chlorine pesticides measurable in mother's milk. And it has links to three websites, which offer daily updates of news stories, scientific studies and medical reports linking environmental contamination to human diseases, so I included the links for everything.

Another one is called low level zeno estrogens at piko molar, analmor concentrations trigger estrogen receptor alpha mediated calcium flexes and prolact and releases in the pituitary tumor cells. This study ••

CHAIRMAN LOSQUADRO:

If I could just ask you to sum up please. Ma'am. If I could just ask you to sum up please.

MS. PENNY:

Several weekly estrogenic compounds including endosulfan pesticides are as powerful as estrogen producing cellular responses via cell membrane estrogen receptors. So, there's dozens of studies here. In fact, pesticides do cause changes in our hormones. They mimic our hormones. They're neurotoxic, fetotoxic. So, I would hope that you please pass this bill. It's very important. Take this one.

CHAIRMAN LOSQUADRO:

Please give those to the clerk next to you. Thank you, Ms. Penny.

Next speaker Anne Baird. Good afternoon, Ms. Baird. How are you?

MS. BAIRD:

Good afternoon. I wish this opportunity to speak before you also in favor of Jay Schneiderman's bill to reduce pesticides. I'm sure you all have seen the chart that he has mimeographed about the huge amount of pesticide that we use in Suffolk County. I know that's because we're an agricultural community, but there is really no excuse for this amount of pesticide when we have alternatives.

Earth is a closed ecological system in which nothing permanently disappears. We have found that the DDT, which was banned over 30 years ago is still being found in breast milk. We don't know what harm that's causing even now. We have to reduce these pesticides.

I am a member of the Natural Resources Committee of the League of Women Voters of the Hamptons, so I represent them in being in favor of this bill. And I'm also a member of the CAC of the Peconic Estuary, which I've served on for as many years as we've had the estuary. So, I'm quite aware of the effects of pesticides and other substance that are leading to the deterioration of Suffolk County's surface and groundwater.

Ninety percent of the chemicals found in our bodies today are not as a result of what we get in the air or the surface water, but in the food that we are eating, which is laced with pesticides. So, anything that we can do to reduce that amount, I urge you to do. This bill is just a start, but I think it's the start in the right way. And people who are criticizing it by saying that we can't do anything about it in Suffolk County because it's a state issue, we certainly can. We can influence the state. If the state isn't doing it, we should do it. Just as when the federal government doesn't do something, it doesn't stop the State of California from trying to do things on its own. So, I hope you'll take that mind and keep that in mind and not let it stop you from passing this needed legislation.

I'd also like to talk as a consumer of agriculture products for my lawn and my home garden that I've had since I was a teenager. My garden is completely pesticide free, and so is my lawn. I use corn gluten which does a fine job. And if you want to get the dandelions out, in my lawn I could eat them, but I prefer sometimes to dig them out and eat them. So, things can be done.

One thing that I would say ••

CHAIRMAN LOSQUADRO:

I would just ask you to sum up, ma'am.

MS. BAIRD:

Okay. Just one other thing as a consumer. We don't know when we go to a garden supply shop what these chemicals really mean and how dangerous they are. If they're on the shelf, we think that they're safe. So, I would really appreciate if Suffolk County, with the help of your experts that you're going to use on this bill, will help us by taking off the shelf of garden supply things that are harmful for the environment. And thank you very much. I would also like to give Jay a copy of a pamphlet put out by World Watch called Deep Trouble, the Hidden Threat of Groundwater to share with members of the Committee.

CHAIRMAN LOSQUADRO:

Thank you. You can just give that to the Clerk next to you and she'll make sure it gets to us. Thank you very much, Ms. Baird.

MS. BAIRD:

Thank you.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Next speaker H. Pat Voges. Thank you, Mr. Voges.

MR. VOGES:

Thank you.

CHAIRMAN LOSQUADRO:

Please have a seat, sir.

MR. VOGES:

Good afternoon.

CHAIRMAN LOSQUADRO:

Good afternoon.

MR. VOGES:

Thank you for the opportunity to talk to you again. It's always a pleasure. I'm here to oppose 2102, the Schneiderman bill. And I think the best way to do that is support bill 1316, that's on the agenda today, which strives for education and not the banning of stuff.

I talked with Mr. Schneiderman outside a little bit. And I think there's a whole lot of things that we can do together. By the way, I represent the 1500 members of the Nassau•Suffolk Landscape Gardner's Association. And I believe that a good start in the direction is supporting bill 1316.

Farm Bureau's going to come up and testify in a couple of minutes. And I want you to know that the Nassau•Suffolk Landscapers Gardner's Association and its 1500 members and its employees strongly support the last paragraph of the farm Bureau's testimony. Thank you very much.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Binder.

LEG. BINDER:

When you say that doesn't ban, you understand that the bill doesn't ban. It doesn't ban you, but it would ban ••

LEG. SCHNEIDERMAN:

He's talking about 1316. That's what happens when you're out.

LEG. BINDER:

Never mind. I'm sorry.

MR. VOGES:

I mean, we've worked with the Legislature many, many times. Legislator Bishop, we started with a real controversial bill, and we worked back and forth until we got a great bill come out of

this thing. And I think that can happen. I think people need to be re•educated on turf grass. But make no mistake, turf grass leads to the quality of our life. Thank you very much. Any more questions?

CHAIRMAN LOSQUADRO:

No, thank you, Mr. Voges.

MR. VOGES:

I got some stuff for you. I've given it to you at the last few public hearings, but they tell me advertisement repetition is good.

CHAIRMAN LOSQUADRO:

Thank you, sir. Next speaker Judy DeBold.

MS. DEBOLD:

Good afternoon.

CHAIRMAN LOSQUADRO:

Good afternoon.

MS. DEBOLD:

It's Julie.

CHAIRMAN LOSQUADRO:

Did I say Judy?

MS. DEBOLD:

You did, but that's okay. My sister's name is Judy, so I'm used to it. It's happened all my life.

I am here for Long Island Farm Bureau. And we have prepared testimony from our Executive Director Joseph Gergela. So, I would like to read that if I may. And then we'll take it from there.

"Long Island Farm Bureau is a membership association of over 7,200 farmers, fishermen, landscapers, agri•businessmen and individuals interested in a rural quality of life. To reiterate Long Island Farm Bureau's previous testimony on this proposed legislation, while we recognize the intent of the Suffolk County Legislature to protect the citizens and environment of Suffolk County, introductory resolution number 2102 is beyond the County's realm of statutory authority. It is redundant and fiscally irresponsible.

We note the proposed legislation allows for an agricultural exemption. However, our concern is the precedent such legislation will set if it should be adopted. We believe IR 2102 is a wasteful duplication of regulation and enforcement tasks already well executed at the federal and state levels of government. Long Island Farm Bureau is strongly opposed to this proposed legislation as Suffolk County does not hold statutory authority to regulate pesticides. Pesticides are regulated by the provisions of the federal Insecticide, Fungicide and Redentified Act, and at the state level by the Department of Environmental Conservation under section 33 of the New York State Environmental Conservation Law. Registration of pesticide products and certification of applicators using pesticides are under the jurisdiction of the United States Environmental Protection Agency and New York State Department of Environmental Conservation.

As stated under Title 3•3303303 of the New York State Environmental Conservation Law, powers and duties of the Commissioner and the department, number one, jurisdiction in all matters pertaining to the distributing, sale, use and transportation of pesticides is by this article vested exclusively in the Commissioner. This law has been interpreted by the courts of our state to completely pre•empt local regulation. Education and training are the key elements to appropriate pesticides use regardless of whether the individual is a homeowner or certified applicator.

People need to understand the important role pesticides play in protecting public health. And people also need to understand that proper knowledge and training are crucial in order to ensure that pesticides are correctly applied, stored and disposed of. Rather than pursue this proposed legislation, which will surely invite costly litigation, we urge the Legislature and County Executive to adopt a county•wide community Integrated Pest Management Program or IPM. The community IPM ••

CHAIRMAN LOSQUADRO:

You're pretty close. It sounds like you're pretty close so I'll just ask you to sum up, please.

MS. DEBOLD:

Thank you. The community IPM program, formerly the Urban IPM program is a New York State program developed at Cornell University, which has been funded at the state level in the amount of \$200,000 per year for the past five years with Long Island receiving one-third of the funding for staff and support. Nassau Suffolk State Senator Carl Marcalino has championed the community IPM program. The framework ••

CHAIRMAN LOSQUADRO:

I thought you were much closer, ma'am. I apologize. We have close to a dozen or more cards. You're going to have to ••

MS. DEBOLD:

Okay. Could I just do the last paragraph?

CHAIRMAN LOSQUADRO:

Absolutely. And then we have a question for you.

MS. DEBOLD:

Okay. "Long Island Farm Bureau urges the Suffolk County Legislature and the County Executive to sincerely provide for the good health of Suffolk County citizens and our environment by opposing IR 2102 and instead support the development of a community integrated pest management program tailored to meet Suffolk County's needs, a program of merit which will provide assured long-term, measurable environmental benefit. Long Island Farm Bureau supports the initial steps towards accomplishing this goal through IR 13•16, which provides funding for the development of the interactive educational turf grass integrated pest management website. Thank you.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Bishop; then Vilorina•Fisher.

LEG. BISHOP:

Thank you Mr. Chairman. First, I'd like to make a comment regarding Mr. Voges' testimony. I want to vouch that if the Committee were to work with his organization, that they will meet

whatever end of the bargain that is struck. As you may be aware, I took a run at this bill in a different form in the mid•90's. And then the County Attorney's Office, which Counsel Knapp was part of at the time, I believe, and Paul Sabatino, who was our Counsel at the time, informed me that we were preempted; that the County could not legislate in the area outside of County property, which led to my law, which bans the ••

CHAIRMAN LOSQUADRO:

Legislator Bishop, if I may?

LEG. BISHOP:

Excuse me. I'm making a speech.

CHAIRMAN LOSQUADRO:

No, I just want to ask you one thing. If you have a question for the speaker, please do so. I don't want this to become like the Health and Human Services Committee. I would rather debate the merits once we get to the bill and then we can stay on it for an hour.

LEG. BISHOP:

I don't appreciate being interrupted. And it's preamble to my question.

CHAIRMAN LOSQUADRO:

Thank you.

LEG. BISHOP:

Which led to my legislation which banned pesticides from County property, because we were told that we are not preempted when we're talking about our own property. You read a sentence in your presentation about the preemption law; where it emanates from. Could you reread that? And then I would ask Counsel to comment whether that is the state of the law currently?

MS. DEBOLD:

"As stated under Title 3•33•0303 of the New York State Environmental Conservation Law, powers and duties of the Commissioner and the Department, number one, jurisdiction in all

matters pertaining to the distribution, sale, use and transportation of pesticides is by this article vested exclusively in the Commissioner."

LEG. BISHOP:

Right. That seems pretty clear to me. And so I'm looking for what •• you know, I want to pass this law, but I don't want to pass this law so you could have a press release in the Hamptons. I want to pass the law that's going to have some meaning. And it doesn't seem to me that this is going to have meaning because it's clear that we're preempted. Now, Counsel, could you comment on that?

CHAIRMAN LOSQUADRO:

Counsel?

LEG. BISHOP:

Because you were part of the legal team that advised me, you know, eight years ago that it was •• has the law changed?

MS. KNAPP:

Actually, the law has not changed. And I think that the difficult task here •• the easy thing is clearly to say that preemption is an issue that begins and ends the discussion from the lawyers' point of view. We tried very hard to go beyond that. And, as you know, we have added an assistant counsel, whose academics credentials are stellar. And he spent quite a bit of time trying to find a niche, as I call it. And he has crafted a legal argument that I think deserves to be heard. Now, I would not •• would not want to sit here and say that the County will undoubtedly prevail if a lawsuit is brought on the preemption issue. However, it would not be the first time that the state of the law has either advanced or changed because of a Judge who looked at a novel argument and decided that they wanted to be an activist Judge. And I think •• you know, that's my legal opinion.

LEG. BISHOP:

What is the novel argument, just so I could understand how we're going to get around some very clear language that ••

MS. KNAPP:

Well, that the •• that the ability put forward in the New York State Constitution, the police

powers combined with some municipal home rule powers are strong enough to prevail; that this is an issue that is endangering the health and safety of our local residents.

LEG. SCHNEIDERMAN:

Particularly in light of ••

CHAIRMAN LOSQUADRO:

Hold on, hold on, hold on.

LEG. SCHNEIDERMAN:

If I might.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

There has not been a case •• has not been a case, to my knowledge, that dealt specifically with the protection of groundwater resources. As you know, we sit atop a federally designated sole source aquifer. You know, I think that certainly is an important part of the argument. The County's number one function is to protect its residents from harm. That protection extends to protecting our residents from exposure to harmful substances and, therefore, chemicals such as pesticides. Now, I could see efforts to protect farming and agriculture, but to say that we cannot protect public health because people must have lawns without a single weed is insanity. Without a single weed is insanity. We need to do something here. And I believe that there is a valid basis within the law to take this action.

CHAIRMAN LOSQUADRO:

Thank you. And go through the Chair.

LEG. BISHOP:

If I can reclaim ••

CHAIRMAN LOSQUADRO:

Legislator Bishop is reclaiming his time; then Legislator Vilorio•Fisher has asked to ••

LEG. BISHOP:

Counsel, to just hash this out further. It sounds like that argument in essence is, it's really important to us. Therefore, State, you should allow us to do this. And I don't think, you know, that that is going to fly.

LEG. SCHNEIDERMAN:

I'm saying it's our job.

LEG. BISHOP:

Legislator Schneiderman, I just hope that when this thing gets struck down, that you'll be as excited to run in front of the cameras as you are today, because there's no way that this is not going to get struck down.

There's also no way I can vote against it because I'd be completely hypocritical because I spent my entire career putting forward this type of legislation. I didn't put this forward because I believe it's not going to pass legal muster. But, you know, you're welcome to legislate in this way. But I think you're grandstanding, if you ask me.

CHAIRMAN LOSQUADRO:

That's your opinion. Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

We have been discussing this particular piece of legislation for five months.

CHAIRMAN LOSQUADRO:

Do you have a question?

LEG. VILORIA•FISHER:

Yes, I do. Yes. And one of the issues that I have discussed privately with Legislator Schneiderman is the education of the public. We're both educators by profession, and we do believe in educating the public as being our strongest •• the strongest tool that we have. And in your presentation, you did make reference to IPM. And we have a piece of legislation here,

1316, that was introduced through the County Executive's Office. How do you see that as addressing the issues that are brought forward in the pesticide issue and fertilizer issue?

MS. DEBOLD:

It's a good first step. It's a good component to a larger program.

LEG. VILORIA • FISHER:

Now, do you see •• these are obviously two ideas that are not mutually exclusive. Do you see them as possibly complimentary?

MS. DEBOLD:

The bill as written •• 2102, the way it's written today.

LEG. VILORIA • FISHER:

Yes. With 1316 as a complimentary •• as a compliment to it in educating the public.

MS. DEBOLD:

As 2102 is written today, no.

LEG. VILORIA • FISHER:

And the preemption issue is the most important part of that ••

MS. DEBOLD:

Yes, ma'am.

LEG. VILORIA • FISHER:

Okay. Thank you very much.

MS. DEBOLD:

Thank you.

CHAIRMAN LOSQUADRO:

Thank you. Any further questions for this speaker? Legislator Kennedy.

LEG. KENNEDY:

It's actually for Counsel derived from the site that the speaker relates in her testimony. You cited the 330303. Counsel, we've had extensive discussions on this. You're familiar with 330101 and you're familiar specifically, I guess, with the Huntington Town attempts to go ahead and create a pesticide regulatory control board. What was the outcome with that legislation?

MS. KNAPP:

Are we talking about the Mobile Oil case?

LEG. KENNEDY:

As a matter of fact, no, we're not talking about Mobile Oil. As a matter of fact, we're talking about Huntington Town, there was litigation in the early 70's.

CHAIRMAN LOSQUADRO:

Hold on one moment.

LEG. KENNEDY:

What was the outcome of that bill?

MS. KNAPP:

That was not an area that I researched.

LEG. KENNEDY:

Let's get our stellar assistant counsel up here.

CHAIRMAN LOSQUADRO:

It's your testimony now.

LEG. KENNEDY:

Counselor, how are you?

MR. BARRY:

Can you repeat the question, please?

LEG. KENNEDY:

Yes. As a matter of fact, it's from a conversation we had relative to Environmental Conservation Law, Article 33, Section 0101, I believe it was, which spoke to the purpose of the article and, in fact, in the commentary spoke specifically about case law associated with Huntington Town's attempt to create a pesticide regulatory control board.

MR. BARRY:

The name and the cite of the case escape me.

LEG. KENNEDY:

As do I.

MR. BARRY:

I recall the case, the Town of Huntington tried to create a pesticide review board and to regulate the sale and use of pesticides in the town. Supreme Court, Suffolk County held it invalid.

LEG. KENNEDY:

Okay. Was that appealed.

MR. BARRY:

Yes. And it was affirmed.

LEG. KENNEDY:

Thank you.

CHAIRMAN LOSQUADRO:

Thank you. And for the record, that was Assistant Counsel Ian Barry. Thank you. Do we have anymore questions for this speaker? Thank you, Ms. DeBold. I appreciate your time.

LEG. SCHNEIDERMAN:

Through the Chair?

CHAIRMAN LOSQUADRO:

Through the Chair we have a question for Counsel.

LEG. SCHNEIDERMAN:

We have both our Legislative Counsel and our Assistant Counsel. And I know you worked together. I guess Ian the primary author of an opinion that said that this bill could move forward. It was not prohibited by law. And I know there was another case in Huntington that was part of that decision. So, if Mea, if you or Ian could explain further to the Legislature as to why this bill is not prohibited through preemption or through other means, I think that would be important at this point.

CHAIRMAN LOSQUADRO:

I'm going to ask that you reserve that commentary for when we debate the bill. I would like to get through the public comments section. In fact, I just had a request. We're running late to begin with. We have someone who needs to leave to take their daughter, I believe it was a Linda Distiller? Is that correct, Ma'am? I know you've been here for quite a while, through Health. And I would ask you to please come forward. And I thank you for your patience.

MS. DISTILLER:

Thank you. It was my pleasure. Good afternoon. I'm speaking on behalf of breast cancer help and the Long Island Cancer Health and Wellness Center. And we, among many, many breast advocacy organizations work and endeavor every day to implement projects that protect our environment. There's not one of us in this room that hasn't done that. We all speak from the same point of view about our environment and how concerned we are. And certainly pesticides and the dumping of pesticides on our lawns is a problem and especially here in Suffolk County.

A few weeks ago we implemented a program in coordination with the Village of Lindenhurst and with Cornell Cooperative Extension of Suffolk County to do a weed management demonstration program along a strip of roadway in Lindenhurst. Dave Bishop was there and I can certainly say that Dave's record on the environment speaks for itself. He was there to watch as we unveiled this program, which will involve the study of ten separate protocols to manage weeds in an environmentally friendly manner.

Many of the products that I've purchased for Cornell to apply along the strip of roadway were purchased from a local distributor. They're products that anyone, homeowners and landscapers

alike can purchase. What we're hoping to determine through this project is the most cost effective, least•labor intensive way of combating weeds in the most environmental manner. And I think it's just a step in the right direction, as the bill that Mr. Schneiderman is bringing forward here today is a step in the right direction to curtail the dumping of pesticides onto our lawns and into our groundwater. It's something that we all need to be concerned with.

The state may have jurisdiction here, but we live here, and we need to do what we need today do. Government, as Mr. Schneiderman said, government's obligation is to protect the health and safety and welfare of our community. And I think that that's what he's attempting to do here. And I think many of you have attempted to do that. Dave certainly in the past. There has to be a way to bring this forward to the state; to say that we need to be responsible for our own futures. We need to be in charge of our own destinies. And we work everyday to accomplish that.

So, I would support, and we would support Mr. Schneiderman's bill and hope that it could go forward to something that can be implemented that can stand up to the muster here and be brought forward is something we can all practice. There are alternatives. One woman who spoke before me, there are alternatives; different ways that we can get what we want, which is green lawns and weed•free lawns. But we can do it in a way that's not affecting our future and the future of our children and our grandchildren. Thank you very much.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Thank you, ma'am. Thank you, again for, waiting.

MS. DISTLER:

My pleasure.

CHAIRMAN LOSQUADRO:

Next speaker Eric Alexander.

MR. ALEXANDER:

Good afternoon, Legislator Losquadro, members of the Committee. Eric Alexander. I'm

Director of Vision Long Island. I just want to comment on the revitalization of the Long Island Regional Planning Board. I certainly commend both counties for looking into the Regional Planning Board differently. We commended you for having hearings in November, a number of months ago. I think the three issues on the table, at least our organization was bringing forward, were issues of representation, issues of budget and issues of staffing. I think there was some consensus that those are all issues. And I think there probably could be potentially some agreements on budget and staffing issues; but I think the issue in the current draft of this legislation is before your Committee. From our perspective, it has some significant issues and lack of representation of Long Islanders particularly Long Island's municipalities.

For Regional Planning Council, if you survey the 1200 regional planning councils around the country that are functioning and active, the majority of them are engaged on two levels. How representative they are of their area, number one. And number two, how much money they draw in. And there are reasons to have a Regional Planning Council; to bring collaboration between county and town governments for purpose of drawing in funding to the region. And also to weigh in on developments of regional significance. You know, there are obviously a lot of developments. Regional significance happening right now. And the discussions of development versus open space, of workforce housing versus transportation concerns are all out there. And there are a lot of groups that are addressing them and attempting to address them. So, how does this Regional Planning Council form itself to weigh in effectively is the question.

We met with Legislator David Denenberg in Nassau County and proposed that there be five town representatives, five municipal representatives in Nassau and five in Suffolk. And there be a total body of 24 members. That was the proposal that was put on the table. Legislator Denenberg has shared with me and said, go to Suffolk County's Committee and, say, hey, we support that. I'm willing to go with that. And I'm here today to say that; that we think that votes in Nassau County for compromised or alternate legislation to have the towns at the table, because we feel that, you know, there's two ways to bring power to this Council. One way is to have the towns at the table or to go to petition the State for municipal •• for legislation to give the Regional Planning Council some teeth being that the state can't at this point get inclusionary zoning passed for 10% of affordable housing, the thought that there would be state legislation to empower our Regional Planning Board to override local zoning. I don't know if that's practical or feasible.

So, our thinking is if an organization says let's have the towns at the table, I've surveyed seven town supervisors, all seven have said they'd be willing to serve if asked. I have not surveyed other towns. We hope that, you know, we'll get to them. I don't get to talk to every town supervisor everyday but we'd like to see them involved.

So, I guess the real question is, and I have something to hand out •• my time's probably up ••

CHAIRMAN LOSQUADRO:

Just sum up, please.

MR. ALEXANDER:

Sure. To sum up, I guess, there's three thoughts here. One, maybe we're not ready yet for regional planning board revise. Maybe we leave it as is. Maybe that's something that's out there. I'm not sure.

There was a comical proposal that said, hey, make it disappear for three years and see if anybody misses it. A Nassau Legislator suggested that. I don't agree with that. I think that Regional Planning Council could have a lot of value and should. And I think to the last point, there could be some meaningful alternative where there's representation, where we're modeling the Regional Planning Council after some of the best practices around the country. And towards that end, I'd like to bring up Bob _Sokolofsky_ from the National Association of Regional Councils, who's the trade association of 1200 regional councils around the country. I'd like to bring him up for a meeting in the next month or six weeks. And I'd love participation from the County Legislators, both the Nassau and Suffolk, to begin to discuss this and maybe I'd like to ask your Committee to request that he come. We're asking Nassau County that they request that he come. So, those are my final points. Sorry, I went over time.

CHAIRMAN LOSQUADRO:

No, that's quite all right. And, if I could just say both County Executives obviously brought this issue to the Legislatures. But it has been left to the various •• the two committees in the Legislatures to try to negotiate for the past six months agreeable language since we do have to pass identical bills. We see how difficult it can be to pass a bill in a single legislative body let alone identical legislation in two separate legislative bodies. No offense to what representatives from the Nassau County Legislature may have told you, but in the past six months of

negotiations, those type of representation numbers have been entirely off the table. And perhaps as a way of placating you to say go ask them, it was not something that •• that they were agreeable to. And I believe that the compromises that we have reached in terms of adding representatives from the Board of Supervisors •• the Supervisors' Association here in Suffolk County and the Planning Federation in Nassau County and giving them the opportunity to then expand the board after they begin their process, I think, is a very good start •• it's a step in the right direction. I certainly see this as the beginning and not the be all and end all of this process in the revitalization of this board.

That being said, I'll just give a little forewarning, this process is still not complete. Counsel just informed me she just heard back from Nassau's legal Counsel today. And we still do not have an answer as to whether or not the final language is agreeable to them. I am going to be making a motion to table this again today unfortunately. We're still •• we're at •• we're very close. But it's •• I understand your point that it still needs some work in terms of representation and things of that nature. But be cognizant of the fact, as I said, that we need to pass identical forms of legislation here. And based on my personal experience in negotiation for six months with them, some of the items that you have suggested have not been open to negotiation regardless of what may have been indicated to you.

MR. ALEXANDER:

I just want to say one thing. Alternate legislation is being drafted by a number of different legislators in kind of a conglomeration in Nassau County. So, it's just to incorporate some of these principals. And we've, you know, made overtures to some folks on this Committee about trying to coordinate and compromise on some of these concepts. So, I just want to share with you that in Nassau County, there will be an alternate bill.

CHAIRMAN LOSQUADRO:

Very good. Thank you, Mr. Alexander.

Next speaker, from my very own home district, Ms. Sarah Anker. There she is. I knew she was hiding around here somewhere. Thank you for waiting around, Sarah. I know you usually have little ones in tow. So, I'm sure you have to get back home to them.

MS. ANKER:

That's it. I have a couple of things. I have over 800 names in support of the resolution 2102.

That's Jay Schneiderman's resolution on pesticides. And, also, I know there's a number of people in the crowd. Would you guys mind standing in support of 2102? I don't know •• I think there's a number of people. And this, I think, you know, again, some support. There's much more support available; are out there.

I wanted to mention briefly, and from what I've heard, I just have to reinforce the idea that government leaders can't be afraid of litigation. They're here •• you guys are here to protect us. And I'm hoping that •• you know, you have to be brave. There's always going to be something. But even David Bishop has been trying to get this pesticide issue a little bit closer. And it's •• and now Jay's trying to. And if we can just get it out of Committee and get a little bit further down the road, work with the Executive •• you know, let the •• there's got to be more that can be done with this particular legislation.

I have to bring up an incident that happened about a couple of weeks ago. And I just wanted to •• I don't want to get anyone in trouble, but there was an incident where there was a pesticide application put down, which is 2•4•D, and it's an herbicide. And unfortunately many people •• most people think an herbicide is not a pesticide. It is a pesticide. And on top of that, there's •• it's a neurological toxin. And it's a carcinogen. It's also •• there's also irreversible eye damage. And this was put down in an area where children play. There were over five hundred kids within a 24•hour period of this application. And they were roaming around, playing soccer in this area. And, again, people need to be educated. I absolutely agree with the people who aren't supporting Jay's bill that there has to be more education.

What we're finding in the cancer groups that there's many here supporting Jay's bill, is that the disease is starting in childhood. They're starting when women are pregnant. And if the County can try to find the strength to persevere and support legislation that protects us, and yes, there is going to be probably litigation in sometime. But you know what, if someone walks into someone's store and trips, they're also going to have litigation to deal with. So no matter where you look •• what I'm asking right now is to sit down with each other, you know, try to get along both within your Committee, within the Legislature and within Suffolk County. Work with the activists here, both environmentalists, the breast cancer, the cancer activists and let's try to push this a little further down the road.

Long Island is protective of its groundwater. We're sands. Just like the cell phone legislation.

If we can take some type of legislation with pesticide, push it forward, maybe it'll catch on. But, again, this is most important for so many people in our community. And I thank you for allowing me to speak.

CHAIRMAN LOSQUADRO:

I couldn't agree with you more when it comes to the preemption issue. I think of a couple of •• or a few specific issues that are relevant to the area that I represent, very close to where you live. Couple of years ago, we had American Ref•Fuel who wanted to build a garbage incinerator. We fought them. It was not necessarily a County issue. The Town and the State had most of the say in that. Right now we're currently fighting the fight against Broadwater, a natural gas platform, which the federal government may or may not have exclusive jurisdiction over. And historically this area has been a bit of a battleground. We have the Shoreham Nuclear Power Plant which the Nuclear Regulatory Commission supposedly had the final say over. And when it came to community support and activism in protecting the public health, that prevailed. So, Suffolk County has a very long and rich history of this. And I thank Counsel's office for doing the research they've done. I thank you for waiting around and offering your commentary. Thank you.

MS. ANKER:

Thank you.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Next speaker Carl Garvey. Thank you, Mr. Garvey.

MR. GARVEY:

Good afternoon. Thank you, Mr. Chairman. I'm an attorney with the United States Environmental Protection Agency in the regional office. I'm actually here today to answer any questions that the Committee may have on resolution 1428. So, I can wait and come back when that gets open for discussion, if that would be all right.

CHAIRMAN LOSQUADRO:

If you don't mind sticking around a few minutes, that would be wonderful just in case anyone does raise any issues at that time during the debate. Thank you, sir.

Next speaker, Maureen Dolan. Hello.

MS. DOLAN:

Hello. Good afternoon.

CHAIRMAN LOSQUADRO:

Microphone, please.

MS. DOLAN:

Sure. Maureen Dolan with Citizens Campaign for the Environment. CC appreciates the opportunity to testify on resolution 2102, Legislator Schneiderman's bill, to limit toxic lawn pesticides. And we are supportive of it.

Each year American homeowners use approximately 70 million pounds of pesticides to maintain their lawn and gardens. In 2002 Suffolk County used three and a half million pounds while Nassau and Westchester only use a million and a half pounds. Obviously Suffolk County is using twice the amount of pesticides that local counties around them are using and the highest in the state.

Research continues to uncover links between pesticide exposures and serious health problems including several types of cancer, neurological and reproductive disorders and high birth defects. According to federal policies, it is illegal to proclaim any pesticide as safe. Yet we continue to allow homeowners with no training to freely and abundantly apply these toxic chemicals to lawns and gardens.

The Suffolk County Legislature is a leader in so many areas and has passed ground breaking legislation to ensure the health and safety of residents and their environment. We are now, again, turning to the Legislature to pass landmark precedent setting legislation that will benefit all residents and future residents of Suffolk County. Yes, at first it may not be the most convenient legislation. And, yes, at first there will be resistance to banning the aesthetic use of pesticides. But this is true with any ground breaking legislation and has not stopped the Legislature before.

This law will not be harmful to the commercial pesticide industry. This is simply not true. By only allowing trained applicators to apply these harmful chemicals, the results of the law will benefit all licensed applicators. Banning the sale of pesticides sends a clear message; a message that tells residents of Suffolk County that you care about their health, that you care about their drinking water, that you care about their bays and estuaries. And most of all that you care about the health and safety of their children. CC is asking that you give the full Legislature a chance to vote on this critically needed legislation. Thank you.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Thank you. Next card is •• is it Fiteni? Was I correct?

MS. FITENI:

Yes.

CHAIRMAN LOSQUADRO:

Very good.

MS. FITENI:

Hi. My name is Beth Fiteni. And I'm the Issues Program Director with the Neighborhood Network. Prior to working at the Neighborhood Network where I do a lot of work on organics, I used to work at Beyond Pesticides, which used to be called the National Coalition against the Misuse of Pesticides down in Washington, DC.

So, between these two jobs, I personally have taken many calls from people who were exposed to pesticides, like an acute exposure, and then ended up with MCS, Multiple Chemical Sensitivity, which led to, you know, fatigue, memory loss, you know, difficulty breathing, things like this. But, you know, besides all these anecdotal stories, obviously you know the EPA has a lot of documentation about the health effects associated with pesticides.

Under FIFRA each chemical goes through animal testing from the company that wants to see the product on the shelf. And then the EPA does a risk benefit analysis. So, things end up on the shelf that are not just evaluated for health purposes alone as many people in the public believe. Each product carries with it an MSDS, a Material Safety Data Sheet, to make clear the

health effects. But not everyone reads them. So, a lot of people are seeing ads for Scotts and other chemicals on the TV and people believe that if it's on the shelf, it must be safe.

Duraspan is a perfect example of how this is not true. This is insecticide that was on the shelf for decades since the 1960's. And before •• and then it was subject to the Food Quality Protection Act in the 1990's. And it was re•reviewed and found out •• they found out that even common uses were unsafe for children. A friend of mine was actually the EPA attorney involved in the litigation that ultimately led to this chemical being phased out. And he told me there were hundreds of cases of health effects that had been reported to the manufacturer.

We also know there was a golf course superintendent study in the 1990's that showed that golf course superintendents die twice as often from Non•Hodgkins lymphoma. So, therefore, we want to support Legislator Schneiderman's bill number 2102 to ban pesticides that we know to have these health effects.

At Neighborhood Network we educate the public about organic methods. In fact, I'm doing a presentation on Saturday out in Sag Harbor if anyone wants to come. We have our organic lawn guide. We put the information out in our website. We have an organic turf trade show. So, the information is out there. And we're happy to continue educating the public about all these alternatives. No one needs to be nor should be at risk from synthetic pesticides. And we thank the County Legislature for looking at this issue here on Long Island. We're so concerned about breast cancer in our groundwater and for being willing to push the envelope. I think it's great. Thank you.

CHAIRMAN LOSQUADRO:

Thank you very much for your testimony.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

For anyone who's a Caddy Shack Fan, that explains a lot about assistant greenskeeper Carl Spakler.

Next speaker, Laura Weinberg. She left. Okay.

For those who are in favor of this bill, we seem to have a number of cards. If I call your name, in the interest of time, if you wish to defer your time until we call the bill, it would be greatly appreciated. There seems there may be some unanimity within this body. I'll run through the cards. If you wish to claim your time, you're more than welcome to do so.

Karen Joy Miller.

MS. MILLER:

I will relinquish my time. I'm a board member of Neighborhood Network. So, the previous statements from Beth Ateny, I agree with. And I'll just make one comment.

LEG. VILORIA • FISHER:

Then she has to come up.

CHAIRMAN LOSQUADRO:

Ma'am, you're going to have to come forward.

MS. MILLER:

Can I talk about it from here?

CHAIRMAN LOSQUADRO:

No, it needs to be on the microphone.

MS. MILLER:

I guess I didn't want to relinquish my time. I'm Karen Miller and I'm President of the Huntington Breast Cancer Action Coalition and founder of Prevention Is The Cure and a board member of the Neighborhood Network. I think my claim to fame is that I am one of over the 225,000 women that have an amputated body part, my breast. I am •• have been very grateful since 1997 because I work with the Director the National Institute of Environmental Health Sciences, Dr. Kenneth _Olden_ , who has repeatedly said breast cancer and diseases are not caused by genetics alone. There is an environmental component. That environmental component, I believe, comes in the form of pesticides. I am, therefore, in support of Jay

Schneiderman's bill. And I also know that my County and my Town, Huntington, has always done the gutsy thing. Do the gutsy thing. Make a difference. Claim that we want to ban the use of ornamental, abusive toxic substances for ornamental use and the rest of the world will follow. We've done it before; let's do it again. Thank you.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Thank you very much.

LEG. VILORIA • FISHER:

Karen, I just wanted to give you a quick thank you. You spent a lot of time with me also on the tanning bill on melanoma awareness. And education is very important. And we all have a responsibility to protect ourselves and our children. Thank you very much, Karen.

MS. MILLER:

Thank you, Legislator.

CHAIRMAN LOSQUADRO:

Thank you. Next speaker Dr. Sue Avedon.

DR. AVEDON:

I'll try to be very brief.

CHAIRMAN LOSQUADRO:

Thank you, ma'am.

DR. AVEDON:

It's very hard for some us of women to give up an opportunity to talk.

CHAIRMAN LOSQUADRO:

I'd ask for this to be off the record, but that's not possible. I've only been married for three and a half years, but I know exactly what you mean.

DR. AVEDON:

Oh, my husband would absolutely concur with you.

Okay. As far as jurisdiction is concerned, my feeling about that is if everyone in the past, you know, just gave up before we even tried something, nothing would ever change, nothing would ever happen. So, please let's not be defeatists. Let Suffolk County lead the way here. And as Karen said, others will follow.

I want to spend just a moment on the effects of these exposures on children in case you hadn't heard a lot of this. And a lot of this comes from studies done by the Mt. Sinai School of Medicine, Center for Children's Health. Okay. Children are more heavily exposed to toxic chemicals particularly pesticides on lawns than adults because they're closer to the ground and there's the tendency to ingest more. Children have diminished ability to detoxify and excrete toxins. There's heightened biological vulnerability in children. There's more years of future life in children. And what we have learned is that what you're exposed to today may not get you until 20 years from now.

CHAIRMAN LOSQUADRO:

Dr. Avedon, I really •• I hate to interrupt you. One of our members has a doctor's appointment, which he's waited about a month to get. And I fear •• maybe on some of the other bills, it may not make a difference, but I would very much like to have him present to call this vote.

DR. AVEDON:

Okay.

CHAIRMAN LOSQUADRO:

If it's okay with you ••

DR. AVEDON:

It's fine.

CHAIRMAN LOSQUADRO:

I don't want to cut your time short, but if that's okay with you.

DR. AVEDON:

It's absolutely fine. I wanted to just highlight the issue of children.

CHAIRMAN LOSQUADRO:

Thank you very much. Next speaker Chris O'Connor.

MR. O'CONNOR:

Let's vote.

CHAIRMAN LOSQUADRO:

Very good, sir. Alexander Peters.

MR. PETERS:

I'll be very brief. I'd just like to say I'd like to commend Jay for having the courage to bring this forward to protect the County and the people of the County from this •• just scourge that has caused so much sickness and death. So many friends of mine, relatives and people I know have died of horrible cancers. And it's time that this body has the courage to take on this issue. It's no longer time to hide behind the fact that the State may or may not have the power to deal with this. It's time for us to have the courage to lead and to go ahead. Let's vote. Let's get it out of Committee and let's do it. Thank you, Jay.

CHAIRMAN LOSQUADRO:

Thank you. We do have one more card. It's not on this subject. So, I'm going to make a motion to take 2102 out of order. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Schneiderman. All those in favor? Opposed? 2102 is before us. We have a motion to approve by Legislator Schneiderman. I will second the motion to approve.

LEG. BISHOP:

On the motion.

CHAIRMAN LOSQUADRO:

On the motion, Legislator Bishop. And before •• I'm sorry. Legislator Bishop. I wanted to have legal Counsel now, but since we waited until we got to the bill, perhaps if Mr. Barry would now like to, or Mea, if Legislative Counsel would now like to enumerate that argument.

MS. KNAPP:

Legislator Kennedy asked about the Long Island Pest Control case which was affirmed by the Appellate Division. While the Town did lose that case in 1973, I think it's important to note the distinction. And I always hesitate to do too much lawyering here at the horseshoe because the arguments that one would raise in an appellate argument are probably not appropriate for this forum. However, that being said, that Town of Huntington case, the judge specifically highlighted in his decision that the Town had acted by mere ordinance as opposed to local law. And this is a charter county. And this is a local law. So, I feel like the Town of Huntington case is not dispositive of the issue. I'm not saying that we dispense with the preemption issue; however, I am saying that this Town of Huntington case is not dispositive. I think it can be easily overcome in an appellate argument.

LEG. KENNEDY:

Okay. I appreciate that as far as the distinction goes.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Bishop.

LEG. BISHOP:

Counsel, could you just in thumbnail, this is a very lengthy bill, go over what the bill, you know, the provisions of the bill and also including its enforcement mechanisms.

MS. KNAPP:

The current version of the bill. It's difficult to do this in thumbnail because the definitions are very lengthy and very detailed. And I have a feeling you don't want to hear all of them. The important parts of the bill is that the retail sale of lawn chemicals containing an active ingredient which is somewhat defined here, active ingredients that are on the EPA list as

known, suspected or probable carcinogens, neurotoxins, developmental or reproductive toxins or endocrine disrupters are prohibited. So, retail sale of those specific chemicals are prohibited in the County of Suffolk.

The second provision is that no unlicensed applicator, which includes a homeowner, shall apply to any lawn, trees or shrubs any of the aforesaid chemicals.

The third provision is that no licensed applicator shall perform any preventive blanket applications on a lawn of a lawn chemical which is on this list.

Those are the prohibitions. There are exemptions. Farmland. Agricultural land is an exemption. There's an exemption to control a health hazard and it's defined. And there's exemption where such use is necessary to prevent a professionally diagnosed medical condition. The Health Commissioner is authorized to issue the rules and regulations. And the penalties are a fine not to exceed \$1,000.

LEG. BISHOP:

Could you mention the blanket prevention ••

CHAIRMAN LOSQUADRO:

Hold on. I think the sponsor just wants to clarify something if you wouldn't mind.

LEG. SCHNEIDERMAN:

Maybe I missed it. But there's a provision that does affect licensed applicators in that they would be prohibited from using those same chemicals in a fashion that blanket preventive treated lawns.

MS. KNAPP:

I said that.

LEG. SCHNEIDERMAN:

You did? Okay. I missed that. Could just cover a lawn to prevent a problem that doesn't exist with those chemicals, but you could do selective treatments.

LEG. BISHOP:

Now, the enforcing agency was whom? And the penalty's a \$1,000 fine? Up to a thousand. And it's going to be enforced by whom?

MS. KNAPP:

The Health Commissioner.

LEG. BISHOP:

The Health Department. There's no agency in the Health Department to deal with this now, I assume, so •• does it designate ••

LEG. SCHNEIDERMAN:

If I may, I did meet •• Walter Dawydiak is here. I don't know if Vito is here, but I did meet with the Health Department and the Division of Water Quality and discussed enforcement of this bill. And they do have •• it empowers them to develop that •• the methodology by which they will enforce it. But they do have some creative ideas. I don't know if they want to address that. Maybe Walter wants to step forward; but if not, it would be up to them to determine how best to enforce this law.

LEG. BISHOP:

Okay. The enforcement by the Health Department, what's the start date of this?

MS. KNAPP:

The effective date is one year following filing in the Office of the Secretary of State.

LEG. BISHOP:

I think that's good, because we're certainly going to need that year. I can assure you that will be a very litigious year for one thing. And it will also need a year for the Health Department to plan to implement this, because I don't see how in any way they could do it today.

But as I said, you know, this is in line with my philosophy. I have said that Suffolk County should lead by example. And if you go to a Ducks game, that field is a pesticide•free field. And our CAC has won awards, and, I believe, as a government, done a good job of demonstrating that Long Islanders do not need to apply pesticides for aesthetic reasons. That you can maintain your lawns, traditional suburban lawn through organic methods. And the Long Island landscapers, they have met their end of the bargain with legislation that I passed years ago,

which was that if we provided them the opportunity to educate their membership, that they would see to it that their membership took the courses to be organic. So, Long Island consumers have the option of directing their landscaper to do their lawns organically.

This is the next step. I don't think we're going to be allowed to take this step. I've said that. I'll say it again. But I'm willing to make the attempt. So, I'll support the legislation, but I fear that the courts are going to strike it down. And I don't think that that legal argument that we've come up with is, from what I've heard so far, is going to fly. However, I know there's more to it. And I believe that the people involved who have done the research are good people. So, we'll give it a shot.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. Legislator Schneiderman, when I was working with the farmers who were voluntarily decreasing the levels of fertilizer and pesticides that they would be using in their agricultural businesses, the issue of residential use did come up and ways in which we could try to restrict that use. And we did not move forward at that time with further exploration of that particular area because of the preemption issue. And I concur with Legislator Bishop that we have been very active throughout our careers in trying to protect the impacts on our sole source aquifer. And so although I am concerned about the preemption issue, you and I have discussed this, I believe it has to be very carefully tied to an educational endeavor. And we have to find some way to help homeowners who don't contract with lawn care companies to find a way to have lawns that will not de•value their property because we know that that is a concern of hard•working people throughout Suffolk County. And so I see this as a step. We will continue to try to find ways to address what some may see as inequities that could arise from this local law.

So, I do support it because, as you know, I have been a supporter of this from the beginning with the concern of preemption being raised at the outset. That has been the point of hesitation. But I do want to find some way to allow all residents of Suffolk County to put as much value in their homes as necessary to maintain their value. And so we do need to educate the public on the use.

CHAIRMAN LOSQUADRO:

Thank you very much.

LEG. VILORIA • FISHER:

Oh, I'm sorry. I had another question. I'm sorry. This is for Counsel or for the sponsor. In your list of definitions, I'm confused by the way in which you define pesticide. And I'm assuming that this definition of pesticide would include pesticides that are both allowable under this local law and disallowable under this local law; is that correct? Because you have some here that seem innocuous.

MS. KNAPP:

To the extent that each of the prohibited lawn chemicals, to the extent that the prohibition talks about lawn chemicals that have an active ingredient and then it goes on to list certain ••

LEG. VILORIA • FISHER:

I'm referring to D, A and B on page two where you list pheromones and traps and, you know, fatty acids. That list.

MS. KNAPP:

Are you in the legislative intent or in the definitions?

LEG. VILORIA • FISHER:

The definitions.

MS. KNAPP:

This bill has been amended about ten times. I'm not sure.

LEG. VILORIA • FISHER:

That's why I'm asking.

MS. KNAPP:

The April 13th version, I believe, is the most recent version.

LEG. VILORIA • FISHER:

No, I don't have the most recent version.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Binder.

LEG. BINDER:

Thank you. I have in this Legislature voted on pesticide use in the County to limit or not use pesticides. The question, the Ducks field, I've supported it where the County has control and the County has the ability to control how we're going to deal with pesticides. But we're taking another step here. Firstly the step that, I think, is going to fail for preemption and then expose the taxpayer to costs for litigation. As Legislator Bishop said, this is going to be a very litigious year. So, that means that the people are going to be exposed to this litigation and it's going to cost them even though we know that this is a preemption problem.

But there is something that we need to do. So, there's the two hands. So, on one hand we have the question of how do you do it when something needs to be done. And on the other hand do you want to go so far as to violate preemption and put us in into litigation. And, number two, is this the proper course? I've had discussions with the author and he's ruminated in discussions about the importance of people having knowledge and people not using the pesticides where they probably shouldn't and could affect their family. And there was a discussion about making sure they're informed.

And I think that's a better road to go down if this doesn't make it to passage and final passage and into law as I don't think it should. I don't know that Suffolk County should be banning something that is legal at the federal level, legal at the state level, legal at every level. And then we tell the people of Suffolk County you can't do it. Everyone else can, but you can't go to the store, you can't use these, you can't be responsible, we don't trust you to be responsible with it. I could understand, as I said, wanting to make sure they use it in an informed way or maybe not use it because of the information.

So, I would support legislation that would say that anyone buying the questionable products can't buy it until, number one, they should be of the age of maturity. Minors shouldn't be able to buy it. And, second, they should have to show us that they've been informed, meaning they sign kind of an informed consent; sign something that says I have looked at this, I've seen

some kind of posting. I've been informed of what the possibilities are, what the EPA says. Because, as you said, some of these are probable, some of these are possible. They're not sure of the link. So, if we're not sure •• and some there are links. But if there are definite links, a lot of those things are prohibited when there are strong definite links. They're prohibited already.

So, the idea really is to make sure that people understand the possibilities and the probabilities. And so I would support something where we're informing the public and letting someone who is an adult in Suffolk County buy a class of pesticide. And only after the store shows that they have on file their signature, that they've been informed and they've read some kind of sheet that we may proscribe that gives them the information they need. But I think it's a real problem when Suffolk County government •• and we do it often unfortunately •• says to adults, you don't know well enough, you can't use these legal products, and your judgement is not as good as ours. See, we're the Legislature so •• you know, we're government. We have much better judgement than you do. And I think that's unfortunate. We go down this road because it feels so politically good to do it. You know, it's the PC word. It's politically correct. And we all got to run and everybody's out there saying wow, if you're against this, you're not an environmentalist. And if you're not for this, you're against protecting people.

We're supposed to protect people. But we're supposed to do it in •• I think government should do it in a reasonable manner that balances the interest of parties and the interest of our constituents. There are people that don't have landscapers, who maybe in this year won't get this information. You know, like, here, wow, we should inform them and they should learn how to grow organic lawns. Well, you know what? There might be a lot of busy people in this year that don't get to learn how to grow an organic lawn. I can speak. I haven't spoken once. So, I think we should do what's not politically correct, not what's feel•good, not what's going to get us the rating on the •• whatever the rating is for the environmental rating and see if we got on the report card and get an A or an F. What we should do is what's right for my constituents. And I'm going to vote against this. And I'm going to tell my constituents that I voted against it, that I protected their right to, as adults, use these products in an informed way. And, as I said, I would support the restriction of making sure they were informed. That's as far as I would go.

LEG. KENNEDY:

Mr. Chairman.

CHAIRMAN LOSQUADRO:

Thank you.

LEG. KENNEDY:

I'll make it real quick since I'm the one who's actually going to bolt.

CHAIRMAN LOSQUADRO:

Yes, I understand that. Legislator Kennedy.

LEG. KENNEDY:

I applaud the intention of this legislation. As a matter of fact I have spoken at length frequently with the sponsor about it. However, I've said this many times since I've been here, which is a relatively brief time, I'm just a simple dirt lawyer. And when you look at preemption, preemption seems to be something that we read and know and understand and are trained for. And to pass something that will immediately be dragged into litigation, I believe, is somewhat imprudent on our part because we do expose the population of the County to potentially hundreds of thousands of dollars of expense.

I would suggest that working with •• and I will •• I'll make the commitment that I will work and approach my State Assemblyman and State Senator to look to allow for segregation of our sole source aquifer from the balance of the state so that we do get the flexibility under Encon law, particularly under Article 33, that allows us to apply more stringent standards if they're warranted in order to protect our aquifer. I know just like everybody else we all get the water from one place and we got to protect it. But that's the course that I would advance.

CHAIRMAN LOSQUADRO:

Hold on one second. Legislator Schneiderman; then Viloria•Fisher.

LEG. VILORIA•FISHER:

Very short question. I just don't know what a dirt lawyer is.

LEG. SCHNEIDERMAN:

Does it involve pesticides?

LEG. KENNEDY:

No. That's a primitive way to refer to a real estate attorney.

LEG. SCHNEIDERMAN:

On the last •• I'm sorry. I'm going to pass.

CHAIRMAN LOSQUADRO:

In the interest of time, Legislator Schneiderman is relinquishing his time. We have a motion and a second. On the motion.

LEG. SCHNEIDERMAN:

On the point I was about to make and forgot, Legislator Kennedy brought up state legislation. I want to say that there is state legislation that specifically gives Suffolk County that right based on our sole source aquifer. I worked with Assemblymen Field on introducing that legislation. And it is trapped in committee. And that's been one of the frustrations with the state. And I also wanted to say that I feel like, you know, proud to be part of this tradition with Suffolk County that my colleague Legislator Bishop and others, Allan Binder, have worked on to move the County forward in trying to reduce pesticides. I see this as the next step, a very important step, you know, and I disagree with some of these preemption arguments. I do believe that we're empowered by the state to protect health and protect the residents and to take measures to protect our aquifer.

CHAIRMAN LOSQUADRO:

Thank you very much. No further questions. All those in favor? Opposed? Legislators Binder and Kennedy opposed. Motion is carried.

(Approved. Vote: 4•2•0•0. Opposed: Legislators Binder and Kennedy)

CHAIRMAN LOSQUADRO:

Kevin McDonald, our last speaker. Well, unless anyone else wants to be heard, but our last card.

MR. McDONALD:

Good afternoon, Mr. Chairman and members of the Committee. I'm Kevin McDonald. I'm the Director of Public Lands for the Nature Conservancy. And I just wanted to speak briefly to you about a resolution that was laid on the table yesterday, 1625, which is coming around before you now. It's a very simple resolution. On Earth Day the Governor, the County Exec, certain members of the Legislature, Mr. Schneiderman at least, Supervisor Heaney and some members of the Town Board all appeared at the Quoque Wildlife Refuge to announce the acquisition of the WJF property. It's A 304 acre dwarf pine barrens just where the Suffolk County Water Authority's offices in Westhampton are. And that arrangement was made possible by a negotiated transaction on behalf of the Nature Conservancy for the State, and the County and the Town.

We're hopeful that that resolution can be expedited quickly partly because the interest charges of that transaction to the Nature Conservancy are around \$15,000 a month. And the sooner we can get a resolution through the Legislature to have this transfer from the Nature Conservancy to the County made, the better off we'll all be.

So, this is my kind way of asking you to expedite this on Tuesday, if at all possible. If there's anything we need to do between then and now to help expedite this, we're happy to do that. From every indication that I have gotten, with a request from the Legislature, the County Exec would provide a Certificate of Necessity to do this. However that needs to be done, whether it's by partisan leader or everybody or two of you, let me know and ••

CHAIRMAN LOSQUADRO:

You must be like Kreskin, the Amazing •• from Carson. I was just going to look over at the County Executive's representative and ask if this was something that they would be willing to do under a Certificate of Necessity. In the interest of time, I think that certainly would be prudent.

LEG. VILORIA • FISHER:

Yeah.

MR. ZWIRN:

I don't think it would be problem. And anybody who wants •• anybody who wants to be a cosponsor when we do the CN, we'll put everybody on at one time.

CHAIRMAN LOSQUADRO:

Very well. I know I certainly would like to be listed as a cosponsor. I believe Legislator Viloría •Fisher ••

LEG. VILORIA • FISHER:

Yes. I've spoken with Kevin. I'd like to be, yes.

CHAIRMAN LOSQUADRO:

Very well. Thank you Mr. McDonald.

MR. McDONALD:

Thank you very much.

CHAIRMAN LOSQUADRO:

We have no further cards. Anyone wishing to be heard before this Committee? Seeing no one, we'll close public portion and continue with the agenda.

On the Tabled Resolutions, 2286, to appoint member of County Planning Commission, Mr. Nickles. Having spoken with Mr. Nickles previously, we will continue the tabling motion until such time as he can provide definitive answers to certain questions. Second by Legislator Binder. All those in favor? Opposed? 2286 is tabled. (5•0•0•1. Legislator Kennedy not present)

1078, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. This is for the Robbins property. And I thank all of you for coming forward unsolicited. We're trying to move along as quickly as possible. This is 5.2 acres.

Brief explanation for those who do not recall.

MR. ISLES:

Yes. This has been tabled, I think, twice before.

CHAIRMAN LOSQUADRO:

Yes.

MR. ISLES:

It's a parcel that's been suggested for planning steps resolution under the Multifaceted Program. The issue •• the only issue we had with it was a question in terms of the use of the property. I did reach out to the sponsor, Mr. Lindsay. I think he was at the last meeting. The property contains contains a house and some vegetated land along Portion Road. So, we don't necessarily oppose it, but I think it would be helpful to get a little more information in terms of what's anticipated. Certainly we can follow•up again with Legislator Lindsay.

CHAIRMAN LOSQUADRO:

That's fine. Motion to table by Legislator Binder, seconded by myself. All those in favor? Opposed? Motion is table. **(5•0•0•1. Legislator Kennedy not present)**

1081, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. This is for the Northfork Preserve property, the farmland component. Same issues as ••

MR. ISLES:

Well, the issue here is that the north part of the property which was ••

CHAIRMAN LOSQUADRO:

I meant that as the last time around.

MR. ISLES:

Right. It was authorized for acquisition for planning steps by you previously. The Legislature approved it. The southern portion of this property is the farmland portion. This did go before the County Farmland Committee twice. They recommended disapproval twice. At this point we're not recommending it at this time.

CHAIRMAN LOSQUADRO:

That's fine. I meant to say same •• motion to table by Legislator Vilorio•Fisher, seconded by myself. All those in favor? Opposed? 1081 is tabled. **(5•0•0•1. Legislator Kennedy not present)**

1109, adopting a local law, Charter Law adopting the extension of Smart Government Plan for environmental protection, for county taxpayer protection, for sewer tax stabilization. This would extend the •• Counsel, this would extend the Drinking Water Protection Program out to 2025; is that correct?

MS. KNAPP:

Yes. This is the one that starts in 2013.

LEG. SCHNEIDERMAN:

Did we resolve all the technical ••

LEG. VILORIA•FISHER:

Motion to table.

CHAIRMAN LOSQUADRO:

No. And I actually have a number of questions myself as to how this money will be distributed within that extension. So, we have a motion to table by Legislator Viloría•Fisher, seconded by Legislator Binder. All those in favor? Opposed? 1109 is tabled. **(5•0•0•1. Legislator Kennedy not present)**

1186, authorizing acquisition under Suffolk County Multifaceted Land Preservation.

LEG. BINDER:

I make a motion to table.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Binder.

LEG. BINDER:

Right. On the motion.

CHAIRMAN LOSQUADRO:

Seconded by myself. On the motion, Legislator Binder.

LEG. BINDER:

How are we doing?

MS. LONGO

We're not in contract yet. We're not in contract yet.

LEG. BINDER:

Getting close?

MS. LONGO

I'm sorry.

LEG. BINDER:

I mean this has been a long time. It seemed they were pretty close. Everybody was ••

MS. LONGO

Yeah, we were close. And then the owner had talked about retaining some •• a few acres. And he wanted to transfer development rights on them. And then he called back and said he decided not to do that. So, as soon as we got a call from him, we sent him a contract. We haven't received it back yet.

LEG. BINDER:

Okay.

MS. LONGO

So, I don't know where we're at until we get that contract back and see what kind of changes he made to it when we get it back.

LEG. BINDER:

Okay. Now •• yeah, go ahead, Tom.

MR. ISLES:

Just one other point, Mr. Binder, is that this does require review by the Parks Trustees and CEQ.

LEG. BINDER:

That's fine. It's good to get a contract first. I assume, right, that before you ••

MR. ISLES:

Well, just so you know. I just wanted to make you aware of it. That's all.

LEG. BINDER:

No, I understand.

MR. ISLES:

Okay.

LEG. BINDER:

Whenever it's ready •• let me just make sure it's clear on the record. I know it was by Mr. Zwirn last time also. Because there's been some correspondence. And my legislation lumped into the others as to the fact that I had a price in there. The price was a reflection of a Newsday article, which was a reflection of Huntington Board resolution. And so all that taken together, I had no inside information. I have no information. Can I •• did my resolution affect your negotiations any?

MS. LONGO

Not to my knowledge.

LEG. BINDER:

Okay. That's good.

MS. LONGO

As soon as I get a contract back, I'll let you know ••

LEG. BINDER:

Well, no.

MS. LONGO

•• what we're doing. But as far as a price goes ••

LEG. BINDER:

But the point is that's •• the point is it wasn't even a question of price at this point. It's a question of other things. I just want to make it clear that, you know, mine was •• I used public information, no inside information, no information from any discussions. They were outside of literally Newsday and the Town Board. So whatever information I got out there, I didn't put it out there. It was already in the public domain and it was included in my bill. I will change it if you •• when you have the correct price. I would like to be able to put the correct price in the legislation. Right now the price that's in there is a place holder. Can I ask you just as an aside •• and I know we're going long, but I got to ask you this. Outside of this particular legislation, I have been working a long time now. And I know the DeLea family has wanted to sell the sod farm in Elwood for a real long time. Are we getting any closer •• I want to put this on the record because I am frustrated, we're not getting any answers. I have to tell you we've called a number of times. And the information we get from their side •• from the other side is that they're interested, they want to sell the thing. And I know it's somewhat of a complicated deal because it involves Elwood School District. How are we doing? I just want to get a general •• are we moving on that? Are we working? You don't have to give me specifics because I don't want to put anything out that ••

MS. LONGO

Yeah. It's my recollection •• I know that we had met with the •• we were working with the school district. And as far as I know we have ordered RFP's for appraisals for that property.

LEG. BINDER:

Again.

MS. LONGO

Again. It's been a lot of years. I know a lot of different people over the years in real estate have been negotiating it. And ••

LEG. BINDER:

I'm begging here. This is •• this community needs it so bad. Elwood needs it. This community needs it. I mean you can't get a flatter, nicer piece of sod laden land for soccer fields ••

MS. LONGO:

Okay. Tom just informed ••

LEG. BINDER:

•• field hockey fields, whatever fields you want. This is •• this is perfect. And every day that we wait, I don't have to tell you, land's just going up and up. That's why you need a new RFP for an appraisal. We just need to get this done.

MS. LONGO:

Tom just me informed me •• I didn't look at the list yet •• it's on for the ETRB next Friday.

LEG. BINDER:

Thank you.

CHAIRMAN LOSQUADRO:

Very good.

LEG. BINDER:

Thank you.

MS. LONGO:

So the appraisals have been done.

LEG. BINDER:

Thank you. This could be one of the best acquisitions in western Suffolk that's happened in a longtime. We haven't done a lot in western Suffolk. We need to be able to say something out in the west, you know.

MR. ISLES:

So fundamentally it is in the process. It's actually being worked on by Real Estate.

LEG. BINDER:

Great.

MR. ISLES:

We really can't get into details ••

LEG. BINDER:

I don't want you to.

MR. ISLES:

•• in terms of that transaction.

LEG. BINDER:

Please don't.

MR. ISLES:

Okay.

LEG. BINDER:

I just wanted to put it out there. We can get this done. Thanks.

CHAIRMAN LOSQUADRO:

Thank you. And before I call the votes since we're on that subject, I just wanted to make mention of two issues that arose in light of our last meeting. The first being a couple of resolutions that did happen to include some prices in them. This one, Legislator Binder's being a rather different situation as it was reported in Newsday and it has absolutely no basis in any appraisals or negotiations that went on. But the other two put in by Legislator Caracciolo, were those resolutions reported in the update as in contract either erroneously, mistakenly, however you want to put it.

MS. LONGO:

I'm not sure. It may have said "in contract process". That doesn't mean it's in contract. That means ••

CHAIRMAN LOSQUADRO:

I believe there may have been some misunderstanding.

MS. LONGO:

We've changed our wording. We're now •• unless we have an executed agreement, it's considered "under negotiation".

LEG. BINDER:

That's a much better way to say it.

CHAIRMAN LOSQUADRO:

I believe that is ••

MS. LONGO:

I mean this is all ••

CHAIRMAN LOSQUADRO:

That would alleviate any future mistakes or misinterpretations.

MS. LONGO:

Can I say something for the record?

CHAIRMAN LOSQUADRO:

Please.

MS. LONGO:

That report is a planning steps status report. And it's sorted by the planning steps that were passed. And it was •• all it was meant to do was to give you Legislators an idea of where we're at, whether we're working on it or not, you know, if it's moving forward. It was never meant to be a report to generate authorizing resolutions off of because things change. We may be in the contract process one day and the next day not. We may even have a signed contract or almost signed contract or the person said they signed the contract and it's in the mail and then they change their minds the next day. So we've changed our wording on that report just to avoid any more confusion.

CHAIRMAN LOSQUADRO:

Absolutely. I would like to avoid any further confusion, miscommunication, yet at the same time I need to address a letter that was sent by the Chief Deputy County Executive in some

way suggesting that it would be improper or some way impractical for a Legislator to ever, in perpetuity, sponsor another land acquisition bill. And I find this preposterous in looking at the history of this body, when Legislators, obviously people sitting on this body, it was sent to myself. And I wish I had a copy with me. I will furnish a copy to all members of this committee.

People, myself included, spend a lot of time working on acquisitions and when that comes due, the fruition of all of that hard work, to suggest that somehow the Legislature is incapable of properly sponsoring an acquisition resolution, I find, quite frankly, insulting. And please, Mr. Zwirn, pass that along to Mr. Sabatino and Mr. Levy. Mr. Sabatino sent me that letter. And as a representative of the Legislature •• well, I'm sure, Legislator Bishop, you'll disagree with that.

I respectfully submit that this body is entirely capable of sponsoring acquisition resolutions, working in proper concert with the Real Estate Division. That can be done without any possibility of conflict, without any possibility of damaging our negotiations or our contract. If it is done properly, it is entirely •• entirely doable and has been done so for many years prior. And, quite frankly, a couple of the arguments enumerated in that letter to me were very •• they didn't hold any water, let's put it that way. Mr. Zwirn, would you like to comment on that?

MR. ZWIRN:

Sure.

CHAIRMAN LOSQUADRO:

I see you've come to the table.

MR. ZWIRN:

Thank you, Mr. Chairman. And I agree with what I think •• the County Executive would agree with much of what you said. I think what the Chief Deputy •• without having seen that letter, I think what the Chief Deputy meant was that the final negotiations are done by the Real Estate Office within the County Executive's Office, so they know the numbers, the final numbers, before they're released to the Legislature.

But I think what we are trying to do and I think what has been done in the past is to make the Legislator's, especially the ones in whose district these acquisitions are being made, cosponsors from the get go. And indicative of that is when you get to IR 1332, which is a resolution, a planning steps resolution for Legislator Caracciolo. We have come to •• I believe a number has been reached on that one and that one has been •• a contract has been executive and we are in final stages and that we filed the bills yesterday and we listed Legislator Caracciolo as a cosponsor on that acquisition.

So, I mean, we're trying to I think do that. I know when spoke with Legislator Binder about the situation that he was involved with, we understood and there was no problem, but we were worried about going forward, about having numbers published before the contracts had been executed.

CHAIRMAN LOSQUADRO:

I believe, Mr. Zwirn, you know that early on in my tenure I had worked to coauthor the language that reformed the land acquisition process. I take it very seriously as member of the Environmental Trust Review Board. We would not want to compromise that process in any way. I think if a mistake was made, it certainly was not done so maliciously. It was a misunderstanding. And I believe •• I know for myself as role as Chairman I have reached out to the parties involved and that will not happen again. Counsel now is aware of that situation. She is mindful of it. All •• obviously all pieces of legislation have to go through Counsel's office, so moving forward the issue has been addressed. Legislator Binder.

LEG. BINDER:

Yes, Mr. Chairman. First concern is that the letter had two things that were of concern to me. I don't know if you ever were privy to see my response.

MR. ZWIRN:

I heard. I was made aware of your response although I didn't see it personally.

LEG. BINDER:

Well, because •• there were two things. Number one, there was an acquisition that we violated County confidentiality law. That I take very seriously. So I spoke back in the strongest of the terms as you might say. And number two, it also said that the bills, the legislation, was

nullified. In other words, as if initio, as if they never existed, we can't pass it, they're not law. And I guess it implies that if we were to pass our bills, that the County Executive wouldn't signed them or that the County Attorney would declare that they are not legal bills because the letter itself from the Chief Deputy County Executive said that they were nullified. He used the word nullified, as if they don't exist. And they are on our agenda anyway but that's what he said. So that's obviously a very big concern of mine.

I can tell you also in the past around here I know a lot of Legislators who got a call from across the street, from Real Estate, what do you want to do? Do you want to do this or we'll do it. We'll put it in on you want to put it in. It wasn't even cosponsor. Knowing when Legislators had been working on it, and then you negotiated or their side negotiated it before you were there, and on this side what would happen is a call would come across, Mr. Burke would call and say by the way, this is where we are, do you want to do this? That was, by the way, not to Republicans only. It was Republicans, Democrats, everyone got the call and the choice. It wasn't a cosponsor thing, it was you worked on it, here, you should get it. So you can take that back a little bit. That was how it was. Now, maybe that's not the way it will be anymore. Maybe it's a cosponsor situation. However you want to do it. There's not a heck of lot in my district that comes up, but there is one now.

Those are the two concerns, how we're changing and that letter itself. I would hope that if we do pass a legislative resolution rather than a County Executive resolution that existed like mine on the Elwood properties, I would hope that they're not going to be rejected by the County Attorney or anyone else for their nullification that they had a number in them, you know, early on. That's was my certain.

MR. ZWIRN:

Well, I think even through the ebb and flow of good times and bad times between the Legislature and the County Executive the County Executive has never stood in the way of any of the land acquisitions or farmland preservation efforts no matter who the author was.

LEG. BINDER:

True.

CHAIRMAN LOSQUADRO:

And I agree with that, but at the same time I think it's interesting that just today, if you happen to see the articles in Newsday, there was the County Executive with all of the farmland that was preserved through various points throughout the east end of the County.

I only •• as you know, I came in a bit early because it was a vacant seat. I only had the chance to work under the previous County Executive for a couple of months but that was the practice that I did observe in that time. And I think it will go a long way towards smoothing over some of this. So Legislator Binder made those points for me I was go doing make but •• thank you, Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Chair.

CHAIRMAN LOSQUADRO:

We have a motion and a second to table 1186. All those in favor? Opposed? 1186 is tabled.

(5•0•0•1. Legislator Kennedy not present)

1187, Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Gould's Pond property • Village of Lake Grove • Town of Brookhaven). I have a request from the sponsor to table. Second by Legislator Binder. All those in favor? Opposed? 1187 is tabled. **(5•0•0•1. Legislator Kennedy not present)**

1195, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Richter's Orchard property) Town of Huntington. This for Richter's Orchard property in the Town of Huntington. Quick refresher on this one.

MR. ISLES:

Well, yeah, very quickly this did go to the Farmland Committee at the last meeting which was about two weeks ago. The Farmland Committee reviewed it and has recommended that it be disapproved so they didn't find it as being a bona fide farm. If there is more information •• we can reach out to the sponsor if you'd like, but at this point the investigation that done by the department and then by the Farmland Committee, they don't see where it falls into a farm.

CHAIRMAN LOSQUADRO:

Please reach out to the sponsor with that additional information. If she does not have that already I know we had our own concerns here so I'll make a motion to table. Second by Legislator Vilorio•Fisher. All those in favor? Opposed? 1195 is tabled. **(5•0•0•1.**

Legislator Kennedy not present)

1284, Approving acquisition under Suffolk County Multifaceted Land Preservation Program (Third Creek Woods property) Town of Shelter Island. This is for the Third Creek Woods property, Town of Shelter Island. This is one of the bills in question. The comment was this is still not in final contract?

MS. LONGO:

Not in contract.

LEG. BINDER:

Motion to table.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Binder, seconded by myself. All those in favor? Opposed? 1284 is tabled. **(5•0•0•1. Legislator Kennedy not present)**

1298, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Coffey property) Town of Smithtown. Again I have a motion from the sponsor to table.

LEG. BINDER:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Binder. All those in favor? Opposed? 1298 is tabled. **(5•0•0•1. Legislator Kennedy not present)**

1316, Amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Cornell Cooperative Extension of

Suffolk County for "Development of an Interactive Educational Turfgrass Integrated Pest Management Website".

LEG. VILORIA•FISHER:

Motion.

CHAIRMAN LOSQUADRO:

We had a motion to approve by Legislator Vilorina•Fisher. Seconded by Legislator Binder. Legislator Bishop, on the motion.

LEG. BISHOP:

Yeah, I'm concerned that we're once again using the fund far afield of its intended purpose. I'm not confident that this is what we intended when we authorized.

CHAIRMAN LOSQUADRO:

So, is that a motion to table?

LEG. BISHOP:

Yes.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Bishop.

LEG. BISHOP:

And I'd like to learn more about this.

CHAIRMAN LOSQUADRO:

Seconded by myself. On the motion to table Legislator •• I'm sorry.

LEG. VILORIA•FISHER:

If you could put me on the list.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman and then Legislator Vilorina•Fisher.

LEG. SCHNEIDERMAN:

I'm not quite sure •• I'm not quite sure what we're promoting on this website.

CHAIRMAN LOSQUADRO:

Mr. Zwirn, if you could have a seat, please.

LEG. SCHNEIDERMAN:

And there's two references within the bill •• the bill references two other prior resolutions which I have not seen •• I don't know that Legislative Counsel has seen.

MS. KNAPP:

It's fine.

LEG. SCHNEIDERMAN:

Okay. That's part is fine.

CHAIRMAN LOSQUADRO:

By the way, that was for the purposes of discussion. I just have a couple of questions I want to get answered.

LEG. SCHNEIDERMAN:

I mean, I like the idea of moving away from pesticides. Integrated pest management isn't necessarily that. It's usually lower but it's certainly not organic and I'm just wondering what exactly we would be promoting with our water quality funds.

MS. KNAPP:

It did go through the committee, if that was your question.

CHAIRMAN LOSQUADRO:

My question was whether or not it made it through committee. And Counsel has just informed me that it has. That was my question. Legislator Vilorio•Fisher, and I believe she had a question for Cornell. The table looks a little full. Maybe if you could hop over by the podium or Real Estate, Planning will vacate the premises for a short period of time for you to come forward. Thank you.

LEG. VILORIA • FISHER:

I relinquish my time because you made both the statements that I was going to make. Number one, that it had been approved by the Water Quality Committee.

CHAIRMAN LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

And number two, I was going to ask that Cornell come up. He wants

MR. WILLIAMS:

Should we go?

CHAIRMAN LOSQUADRO:

Thank you. Yes, please.

MR. WILLIAMS:

I'm Tom Williams, Director of Cornell Cooperative Extension. And we're asked to come to answer some questions. I have with Dale Moyer, who is head of our Ag Program at Cornell and Tansen Yeh, who is our turf grass specialist.

This was a project that we put together to provide the kind of education that I think was talked about earlier on for homeowners. We know that there are over, you know, there is 100,000 acres of lawns and private property that is often applications are made of pesticides and herbicides and we thought that it was very important to provide education to the many families and homeowners throughout the County.

We also are interested in reaching out to other non-County operations where we thought we could be helpful in providing education. I can turn this over to Dale and to Tansen to explain a little bit more about this special project that we have.

MR. MOYER:

I guess if there's questions on what we're trying to •• excuse me. The name is Dale Moyer. I'm the Ag Program Director at Cornell Cooperative Extension. I guess my question is if you

have questions or what we're exactly going to be doing, if you've read the project outline, we talk about developing a website and to try to develop educational tools with the website or CD, especially for turf grass uses and particularly looking at alternatives to pesticides.

With pesticides still being labeled we feel it's very important that we educate the consumer on the pesticide use. Timing, when or when not it's needed so it is only used when appropriate. And the biggest stress would be the alternatives. And the other thing with the alternative that I think is very important is there are alternatives that work and there are alternatives that don't. And both are very expensive and we feel it's needed to educate which ones will be effective and which ones will be not effective. I don't know if you want to add anything, Tansen?

MS. YEH:

Yeah, my name is Tansen Yeh. I work for Suffolk County Extension. If •• I don't know how many of you believe in reincarnation, but when I die I want to come back as a dandelion because I'll irritate everyone and I will tried to be killed by everyone. We have a time challenged environment so people are relying more and more on step programs, which are not the best thing for the environment and on the internet. And unfortunately, we're also media and entertainment orientated, so we rely on Jerry Baker and other gurus of misinformation.

This particular kind of website would help people to tell good from bad information. It would be something easy for them to use and it would provide them the instant gratification of bopping a cyber _uber_ dandelion, and that might curb their desire to treat first and ask questions later. It also might encourage people to recognize and consult a professional rather •• a professional that is required to constantly update their education instead of relying on convenience of step programs or on what their neighbor says, which is based on their long history of misinformation.

CHAIRMAN LOSQUADRO:

Thank you ma'am.

LEG. BISHOP:

What costs \$123,000?

MS. YEH:

I don't think that's the right figure, is it? It's 66.

LEG. BISHOP:

That's our share. That's the County's share. You're obligated to put up 50%.

MR. MOYER:

A large portion of that is the website construction, which we would work with a group from Cornell that does website construction. It's half of that 66,000.

LEG. BISHOP:

We did numerous websites in the County on like \$10,000.

MR. MOYER:

Right. And it depends on how you want to develop that. I mean, in this case it's been developed to be interactive, okay, and when you are doing interactive websites, and I'm not a website specialist, at least that's what I been told, that gets to be very expensive. If you're doing •• just doing a standard website, we have those already. We can just put the information on there. But this is supposed to be interactive so people feel when they come across a point of grub control there is something that they can go back and forth on, what's like a game, so it attracts their attention rather than just saying okay, use for this •• control grubs you do this, this, take care of your lawn this, this, this, way. I mean, that way if it is just a point bulletin, it's very easy. But it's very expensive once ••

LEG. BISHOP:

If I do grub control, I'm going to get IPM, right, not organic.

MS. YEH:

No. You're going to get cultural controls and monitoring which is the information that people mostly miss. They want to go directly to a product because they want the quick fix. This will show them what happens if they go directly to a product, how they can waste money, how they can not benefit the environmental. It gives them two paths. They can go down the wrong path, it will show them the wrong way. They can go down the right path and show how some of these things can be fixed by a few simple cultural controls or as a last resort a product that is still ••

LEG. BISHOP:

Doctor, isn't IPM a term of art? Doesn't it have meaning?

MS. YEH:

IPM is not a choice system. If, for instance, if I had zit on my chin, which I often do, the doctor would not say (a) I can •• we can either watch it, (b) we can use some soap and water to wash it out, a culture control, (c) we can treat it with something biological like an antibiotic, or (d) we can cut off your. If you choose the wrong answer you're dead.

The first thing you would do is you would monitor. If the situation got worse, then you would probably do some cultural control along with your monitoring. Only as a last resort would you go to step three, which would be some sort of biological control and only as an absolute last resort would you cut off your chin. That's what IPM is about.

LEG. BISHOP:

Okay.

LEG. SCHNEIDERMAN:

Is the cutting off the chin the pesticide analogy?

MS. YEH:

No. Cutting off the chin would be the thing that you would do only as a last resort. At that point we would emphasize you still have a choice of using a different kind of plant in that situation, roguing the plant out.

LEG. BISHOP:

I think you're missing the point of my question, though. IPM for years has been the preferred alternative to organics. In other words, it was seen as less than organics and it was offered often by your organization which works closely with the agricultural community. You saw that earlier today, that alliance. And Legislators often want organics and not IPM. So what I'm asking is, why is this •• why does this website specifically say IPM. But what you are describing doesn't sound like IPM to me.

MS. YEH:

It is IPM. What we want to do is we want to make sure that if people are going to use products, and we know that people will do that, if they have something in their mind we want to make sure that they use them correctly and safety. But we want to discourage that use as an only the last resort thing.

LEG. VILORIA • FISHER:

Dan.

MR. MOYER:

What we're talking with IPM is, and again, it's the definition of the person who is saying IPM in many cases but we usually look at this as IPM as again the pesticide being the last resort. There is all kinds of other practices that we can incorporate into the system before we get to pesticides. And especially with home owner, we have done for years and years that we always preach alternatives first before pesticides. The only thing you have to remember is pesticides are labeled and if people are going to use them, you want them to be used correctly and effectively if they are going to use them.

LEG. BISHOP:

Is this what you're going to call the website?

MR. WILLIAMS:

I don't think so. I think that was the name of the proposal.

LEG. BISHOP:

Okay. I would suggest that are going to need something a little more inviting. At the very least that's my contribution.

CHAIRMAN LOSQUADRO:

Legislator Viloria • Fisher then Schneiderman.

LEG. VILORIA • FISHER:

I agree with Legislator Bishop that you do run into some confusion looking at the title of the bill because when I read the backup, which is why I jumped at the opportunity to make a motion to approve, I thought it fit in perfectly with what our storm water remediation program is designed

to achieve.

When I looked at the bottom of the page of the application page where it said the website project will be implemented in two phases. And the very first bullet says educate home owners of nutrient cycling and the groundwater recharge system including the idea that nitrogen already reaches their grass. So you're talking about fertilizing here. So your program is not only about the use of pesticides, it's also addressing the dangers of over• fertilization, the impact on our water system. You are educating the public inasmuch as how our recharge system works. Educate homeowners on best management practices of home fertilization if fertilizing is needed at all. So we're looking at a description of a program here that really is very, very conservative in the use of introducing any chemical or biological nutrients or pesticides to turf development. Is that ••

MS. YEH:

Yes, that's correct.

LEG. VILORIA•FISHER:

And so I believe that the problem that we're seeing here with the motion to table is that the title of the resolution belies the actual program that it is funding.

LEG. BISHOP:

Yes.

CHAIRMAN LOSQUADRO:

Thank you. I was just going to say my questions were answered on this. I'm withdrawing my second on the motion to table and will be in favor of supporting the bill.

LEG. BISHOP:

So, on the resolution I just have a question.

CHAIRMAN LOSQUADRO:

Please, Legislator Bishop.

LEG. BISHOP:

Thank you. Tom, you know I have great respect for you and you're a good advocate, you're a gentleman and a scholar. Does Cornell still sit on the Water Quality Review Committee?

MR. WILLIAMS:

Yes, we are representative on that, yes. That hasn't changed. We've met one time this year.

LEG. BISHOP:

Isn't that just a blatant conflict of interest?

MR. WILLIAMS:

I recused myself from this but I don't know if you feel that it is.

LEG. BISHOP:

I strongly feel that it is. I think that has to be addressed at some point. I thought you were going to •• I thought Cornell was going to remove itself voluntarily. I mean, you are the prime beneficiary of, it seems, most of these programs and ••

MR. WILLIAMS:

I would be happy to remove myself. The legislation, I think, put us on there ••

LEG. BISHOP:

Right.

MR. WILLIAMS:

And so if you wish that we not be there.

LEG. BISHOP:

Is that the referendum put it on there or ••

MS. KNAPP:

That was resolution.

LEG. BISHOP:

The resolution, okay.

MR. WILLIAMS:

And, you know, we're on there with County parks and so on and so forth.

LEG. BISHOP:

Yeah, I understand. Okay. Thank you very much.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Let's take the leap for a moment that 477 funds could be used for public education and not for some of the other things that I think that they probably could go toward, like storm water remediation, etcetera. And I too, have a great deal of respect for you, Tom. Dale I don't know as well, but I've met with Dale. And Tansen, believe it or not, I've read some of your IPM, so I'm a little bit familiar with your work.

I'm not completely sold on other IPM, so I do appreciate the work that Cornell does in terms of educating people in that regard. I think the County is moving in a different direction. If the County wants to educate home owners, and we're not talking per se golf courses here where I know a lot of people are moving toward IPM's, but for residential lawn I like the idea of even moving further away from pesticides. I think if we were just going at this blind and saying look, we want to provide public education on alternatives to pesticides, I don't know that we'd be out there pushing IPM. I could be wrong. I could be the sole person saying that. But ••

LEG. VILORIA • FISHER:

We're not pushing ••

LEG. SCHNEIDERMAN:

Well, it is going to be a large part. I mean, Tansen, if I'm correct, that is really your expertise, is it not, in IPM development?

MS. YEH:

My expertise is many and varied.

LEG. SCHNEIDERMAN:

Okay.

MS. YEH:

I have a PhD in turf grass, entomology and in pathology as well. And my primary concern is to make sure that people do things correctly and not just go into their local garden center and say what do you have for blah•blah because they are going to have a product shoved into their hand. Their not going to get the education that they would get if they came in and talked to us, which they don't have time to do, but they could get from website.

LEG. SCHNEIDERMAN:

Right.

MS. YEH:

They will be getting the full nine yards from me.

LEG. SCHNEIDERMAN:

Well, I'm not sure that I am going to support it yet. I think public education is great. I think what Cornell does to educate is fine. I just don't know that that reflects the County philosophy.

MS. YEH:

May I ask I question? If you are looking for a different kind of educational programming, which is •• seems as what you are saying, who would you have give that kind of programming to this particular audience and in what format would you serve it to them? Would you try to have people come to a public meeting or do you think that they are more internet orientated now because of time constraints.

LEG. SCHNEIDERMAN:

The County does develop it's own websites. The County could, the Department of Planning or if there is a department •• the Environment n could develop a website such as this.

MS. YEH:

Would it be interactive enough to keep people's attention? People unfortunately now have shorter and shorter attention spans and they're more entertainment oriented.

LEG. SCHNEIDERMAN:

Right. It's more •• it's less about the developer and more about the content at this point.

MS. YEH:

Right.

LEG. SCHNEIDERMAN:

I hear that there is going to be several, you know, different paths within, you know, what you make available. But really one of the paths will be use of certain pesticides that I'm suggesting that we eliminate for residential use. And there might be some inherit inconsistencies with me saying go ahead and do a website that may recommend this as a last ditch resort and me supporting a bill that says I don't think you should use those under any circumstances, they neurotoxins or carcinogens or possible carcinogens.

I think that, you know, I'll support a motion to table here. I don't think at this point I can support the bill, but if I have a clearer sense of the content maybe I could support the bill.

CHAIRMAN LOSQUADRO:

So hold on one second. So the motion now is motion to table by Legislator Bishop, a second by Legislator Schneiderman. I withdrew my second. And I believe Mr. Dawydiak wanted to make a comment.

MR. DAWYDIAK:

Yeah. Thanks. Walter Dawydiak from the County Health Department's Division of Environmental Quality. I'm also the Deputy Program Manager for the Peconic Estuary Program and one of the culprets involved in the initiation of this effort. I'm here on Vito Minei's behalf, our Division Director. He speaks strongly in support of this particular resolution.

We feel that this is presumptively eligible under quarter percent. I have the legislation in front

of me and one of the categories is indeed non•point source education projects. This is something we think is generally underutilized as an application of quarter percent prevention and education obviously is a way above and beyond remediation to prevent pollution.

Their project is probably best titled environmentally responsible lawn care. I have been grappling with the Peconic Estuary Program since 1993, 12 years, trying to come up with a good way to help get the message out on how to best apply nutrients, fertilizers and pesticides to lawns. We have got various brochures and leaflets out there. The consensus uniformly has been that none of them are particularly effective in educating your home owner in terms of how to apply nutrients and pesticides.

We were thrilled that Cornell came to the plate to come up with this interactive approach which we think is really cost effective in terms of designing an interactive graphic web page. We fully support it. It implements several key Peconic Estuary Program recommendations. I would be happy to answer other answers. I just wanted to lend our support.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Binder.

LEG. BINDER:

I think what you are trying to do here is great. The most important thing we as government can do and maybe the best way we can use money is to educate the public to do things the best way possible for everyone around them.

Now, you can take the extreme approach and say, well, we should all •• we should just ban everything and so take it all off the shelves and well, that's an extreme position. It's an extreme position to just ban it and say, you know, the only place in the country you are not going to be able do it unless you have •• if you have a landscaper then you can keep your lawn green. If you don't hire a landscaper and you are trying to do it yourself •• no, but that's •• and so now if you don't have a landscaper it will be banned, so we're not going to give information, we don't have to give information.

I just think what you're trying to do is exactly the right thing, is what I talked about before. People should be able to look at something on the shelf, make sure they are informed, so that is why I would say some kind of informed consent. They should sign•off before they can buy

it. And then maybe, even, I would even add this. If we do this it should say that your website is available and public information. You can even put that on there, that this website's available and maybe give them something so they can take it home so they can have to remember they can go to the website. And so if they walk out with it, the product, they'll know how to properly use it. And we can even require that, that they be informed about the website.

But the most important thing is to inform people of how to do things in the safest manner possible. And I think that's a proper role and I'm totally supportive. I'm concerned about the 477 and I have been about how we use it and why we use it, but all of a sudden we let up all the rules. We have Labor Department people we're paying for, and so if we are going to let the rules up, which we did, I can't say this one bill I want to restrict them again. This is a good bill. I'm glad the •• I guess it was the County Executive, wow, doing something for the County Executive's bill, here we go, Ben. I'm glad the County Executive put it in and I'm glad you're doing it and I hope that we have the votes to pass this because it's important for the people of Suffolk.

LEG. VILORIA • FISHER:

Mr. Chair, just one more thing to Legislator Schneiderman.

CHAIRMAN LOSQUADRO:

Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

Thank you very much because ••

CHAIRMAN LOSQUADRO:

Through the Chair.

LEG. VILORIA • FISHER:

I do have to say that another surprise, we do agree on this, Legislator Binder, that if we are going to ban a variety of pesticides for homeowners to use, and I agree we that, we have to protect our groundwater. I mentioned before that the equity of home owners who do their own gardening to have the ability to retain the value of their property has to also be protected.

I'm just going to read some more of your bullets because it says here that this is what you will do. In phase two you will show home owners that, number one, you will educate homeowners about the adverse environmental effects of pesticide use on home lawns. Second bullet. Educated home owners on the general principals of integrated pest management. Number three, educate home owners on practices they can implement to reduce or eliminate pesticide use on their loans. And number four, educate home owners about proper timing, handling and application of pesticides to reduce the total amounts used if pesticides are necessary.

I think these are powerful statements and I think it's powerful program where you're addressing both pesticide use and fertilizer use. It's really •• I think this is important, Jay, and I think it's a wonderful corollary to what you've introduced.

LEG. SCHNEIDERMAN:

I'll withdrawn my motion to table.

LEG. VILORIA • FISHER:

Thank you.

LEG. SCHNEIDERMAN:

Particularly since Dave is not here. Let's call the vote on it. I'm going to abstain from it because I still need more information.

CHAIRMAN LOSQUADRO:

Okay. So we have the motion to table by Legislator Bishop. Is there a second to that motion? Hearing no second, motion •• was there a motion and a second to approve?

MS. SULLIVAN:

Yes.

CHAIRMAN LOSQUADRO:

We had a second.

LEG. BINDER:

I made a motion.

LEG. SCHNEIDERMAN:

I'm going to abstain.

CHAIRMAN LOSQUADRO:

All those in favor?

LEG. SCHNEIDERMAN:

Abstain.

CHAIRMAN LOSQUADRO:

Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Abstention.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman is an abstention. Legislator Bishop, how would you like your vote recorded on that, on the motion to approve?

LEG. BISHOP:

Reluctantly yes.

CHAIRMAN LOSQUADRO:

A yes it is.

LEG. BISHOP:

Dubious yes.

CHAIRMAN LOSQUADRO:

1316 is approved. **(Vote: 4•0•1•1 Legislator Schneiderman • abstention; Legislator Kennedy • not present).** Thank you, everyone. If you could please clear the table.

If I could please ask Real Estate and Planning to come forward again.

1330 (Authorizing the acquisition of Farmland Development Rights under the New Drinking Water Protection Program • Farmland Development Rights component (Westmoreland Farm, Inc.) Town of Shelter Island). The sponsor has said that there may be an interest for the town to partner on this, so he will most likely be withdrawing this resolution. So I will make a table subject to call on his behalf. Second by Legislator Vilorio •Fisher. All those in favor? Opposed? 1330 is tabled subject to call. **(Vote: 5•0•0•1 Legislator Kennedy not present)**

1332 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund for Dosiak Farms, Town of Brookhaven). This is for the Dosiak Farms. This is the other one. This is still not an executed contract, is that correct?

MS. LONGO:

No. Actually the ••

LEG. BINDER:

This is for planning steps.

MS. LONGO:

No, that's incorrect.

MR. ISLES:

It is an authorizing resolution.

CHAIRMAN LOSQUADRO:

It's an authorizing planning steps for acquisition. I know the wording is a little ••no, it's an acquisition. This was the second of the two. This is still not an executed contract, is that correct?

MR. ISLES:

It is an executed contract, however, the resolution is incorrect in terms of it's a partnership with the Town of Brookhaven. Mr. Zwirn spoke previously of a cosponsorship with ••

MR. ZWIRN:

Mr. Chairman, we filed a ••

CHAIRMAN LOSQUADRO:

Oh, that's right, you did mention 1332.

MR. ZWIRN:

Yeah, we filed it yesterday and Legislator Caracciolo is a •• we listed him as a cosponsor on this bill.

LEG. SCHNEIDERMAN:

Motion to table.

CHAIRMAN LOSQUADRO:

Very well. So motion to table by Legislator Binder. Second by Legislator Schneiderman. All those in favor? Opposed? 1332 is tabled. **(Vote: 5•0•0•1 Legislator Kennedy not present)**.

Introductory Resolutions

On to Introductory Resolutions. **1339 (Making a SEQRA determination in connection with the proposed program to administer and implement a transfer of development rights program in conjunction with the Save Open Space Bond Act, Suffolk County)**

LEG. SCHNEIDERMAN:

Motion.

CHAIRMAN LOSQUADRO:

Motion by Legislator Schneiderman, second by Legislator Vilorio•Fisher. All in those in favor? Opposed? 1339 is approved. **(Vote: 5•0•0•1 Legislator Kennedy not present)**

1340 (Making a SEQRA determination in connection with the proposed improvements to the Armed Forces Plaza, CP # 1756, Front of the H. Lee Dennison Building, Hauppauge, Suffolk County). Same motion, same second, same vote. **(Vote: 5•0•0•1**

Legislator Kennedy not present)

1341 (Making a SEQRA determination in connection with the proposed intersection improvements on CR 97, Nicholls Road at Lower Sheep Pasture Road, CP # 5137, Stony Brook, Town of Brookhaven). If I can just make a comment. They always do this stuff. All the reconstruction at Stony Brook was done after I left. I think it was a conspiracy. Motion by Legislator Vioria•Fisher, second by Legislator Schneiderman. All those in favor? Opposed? 1341 is approved. **(Vote: 5•0•0•1 Legislator Kennedy not present)**

1342 (Making a SEQRA determination in connection with the proposed reconstruction of CR 7, Wicks Road, from CR 67 Motor Parkway to CR 13, Crooked Hill Road, Phases I & II, CP # 5040, Towns of Islip and Smithtown). Motion by Legislator Schneiderman, second by Legislator Vioria•Fisher. All those in favor? Opposed? 1342 is approved. **(Vote: 5•0•0•1 Legislator Kennedy not present)**

1343 (Making a SEQRA determination in connection with the proposed reconstruction of CR 57, Bay Shore Road, from NYS 231 to NYS 27, CP # 5523.110, Towns of Babylon and Islip). Same motion, same second, same vote. **(Vote: 5•0•0•1 Legislator Kennedy not present)**

1345 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Long Island Beagle Club Property) Town of Riverhead). This is the Long Island Beagle Club property, Town of Riverhead. Is this on Edwards Avenue?

MR. ISLES:

Yeah.

CHAIRMAN LOSQUADRO:

I know the property.

LEG. BISHOP:

Beagles are passe now. They're not ••

CHAIRMAN LOSQUADRO:

Now it is miniature greyhounds or what? Mr. Isles.

MR. ISLES:

Okay. Mr. Chairman, this has been put in as a farmland acquisition under SOS. Accordingly, it was referred to the County Farmland Committee at their meeting in April. It is 150 acres of open space. However, the committee felt that the property is not farmed and it hasn't been for years. And, therefore, it did not recommend it for approval.

The property does have the option that if someone were to clear the brush and reform it, that it would then qualify for the County's program. Outlined in yellow on this map are parcels where the County does own development rights, so certainly it is an area where we would love to preserve the development rights and preserve the farming. But based on the fact that it's not farmed and hasn't been farmed for at least the past two years, and actually much more than that, it didn't •• it wasn't recommended by the committee as a farmland acquisition.

CHAIRMAN LOSQUADRO:

I would like •• I would just like to add if we could speak with the sponsor about possibly modifying which program this is under. I know this area very well, it's not that far from where I live. This area is under heavy development pressure. You can see the large development just to the east and there are several north and south of here also. So I'm sure this will be a prime target for a developer, 150 acres of land in that area.

LEG. BINDER:

Mr. Chairman.

CHAIRMAN LOSQUADRO:

Legislator Binder.

LEG. BINDER:

Yes. And that might be so, but the truth is also it might be a good place •• we talk affordable housing in here. On one hand all the time we need work force housing, we need it, we need it. On the other hand every time a piece comes up, it's well, this is a great place or, you know, for acquisition because we don't want anything to be there. Those two concepts are

fundamentally at odds with each other. So maybe this is a good place. I don't know, but I would say that let's walk slowly.

LEG. BISHOP:

We should acquire it, right?

LEG. BINDER:

Well, maybe not. Maybe there might be affordable •• if we acquire it for affordable housing, but there has got to be •• unless we are going to buy the whole County up.

LEG. BISHOP:

But we have a fund ••

CHAIRMAN LOSQUADRO:

Hold on, hold on.

LEG. BISHOP:

Sorry. Through the Chair.

CHAIRMAN LOSQUADRO:

Legislator Binder.

LEG. BINDER:

Unless we're going to buy the whole County up or use a revolving fund, the \$20 million.

LEG. BISHOP:

Mr. Chair.

CHAIRMAN LOSQUADRO:

Legislator Bishop.

LEG. BISHOP:

We have a fund that gives you the option, right? Don't we have a fund that is multifaceted that includes affordable housing and land preservation?

MR. ISLES:

Yes.

LEG. BISHOP:

And this is a planning steps.

MR. ISLES:

Yes.

LEG. BISHOP:

So, to keep those options ••

MR. ISLES:

This is under SOS, though.

MS. FISCHER:

Farmland.

LEG. BINDER:

Right. This is the SOS. This is for the farmland. That's why Legislator Losquadro said maybe there is another program.

LEG. BISHOP:

This is planning steps; right?

MR. ISLES:

Yes.

LEG. BISHOP:

So it doesn't matter where you fund planning steps out of, because planning steps are planning steps.

MR. ISLES:

Well, if this were approved we would ••

LEG. BISHOP:

They're fungible.

MR. ISLES:

We would do an appraisal of the development rights. We would not do an appraisal of the fee simple.

LEG. BISHOP:

Oh, so it's not in that case. Okay. Well, I agree, but my point is that I would like to acquire it, I'd like to do planning steps so that we could either do affordable housing or consider it as an open space later on.

CHAIRMAN LOSQUADRO:

I think that this property could be utilized either for open space, potentially for a work force housing project. The homes that have been built in the surrounding areas had tended to be rather high end. I don't know what the willingness of a developer would be to do that. But regardless, I think this is something that bears speaking at length with the sponsor about.

We have a motion to table by Legislator Binder, second by Legislator Bishop.

LEG. BISHOP:

Sure.

CHAIRMAN LOSQUADRO:

All those in favor? Opposed? 1345 is tabled. **(Vote: 5•0•0•1 Legislator Kennedy not present)**

LEG. BISHOP:

Do they want to sell it or they just want the rights?

MR. ISLES:

I do not know. I'm not sure.

CHAIRMAN LOSQUADRO:

This would be planning steps. So the letter •• a letter of interest would be sent out as the first step, so.

1353 (Implementing Brownfield Policy for Liberty Plating Property in Brentwood, Town of Islip (SCTM No. 0500•136.00•03.00•009.000)). To my understanding this is something that has been of interest for some time and I truly applaud Legislator Montano for his patience because we haven't heard a peep from him over their and I'm sure he wanted to jump right into the fray several times. Would you like to comment on this before Planning?

LEG. MONTANO:

Yes, I would, and thank you for the opportunity, Mr. Chairman. This is a property located in my district. It's been vacant property for ten years. It really is an eyesore in the community. I've spoken with the County Attorney. The County Executives office, or the County Attorney, rather, has some very technical minor problem with the language. I'm not necessarily opposed to their language changes. What I would be willing to do is this. I would ask the committee if you have any questions with respect to the property I'll be happy to answer them, but I would ask that this be approved so that it can be voted on on Tuesday.

If on Tuesday the County Executive comes in with a C of N, I would then be willing, you know, assuming everything is fine, be willing to substitute this bill for the one with the C of N so that we can get moving on this project right away.

I'll let the County Attorney express her reservations with respect to the language, but essentially all I'm asking is that the County take a look at the property. The property has some liens from the Department of Environmental Conservation and from the EPA. I would under no circumstances advocate taking the property subject to liens. Those liens would have to be liquidated.

You know, just historically, the County had taken possession of this property for back tax, had taken the title, and they relinquished it because of the outstanding liens. I have been in discussion with DEC and the Congressman Israel's office with respect to getting those liens liquidated. The property has been cleaned up substantially. It may be something that we may

not need to put or the State may not need to put any more money into to make this property usable and the Town of Islip has expressed an interest in looking at this property as a transfer under 72h for purposes of making this a community resource center some point down the line. A lot of this is really just planning, and I would ask that you move forward.

CHAIRMAN LOSQUADRO:

Thank you, Legislator Montano.

LEG. VILORIA • FISHER:

I have a question.

CHAIRMAN LOSQUADRO:

I heard the word minor in there and I would like to here that minor concern. Legislator Viloría •Fisher.

LEG. VILORIA • FISHER:

I'm sorry, Mr. Chair. I'm not accustomed to this type of resolution. Perhaps either Counsel or the sponsor can explain to me. When we're implementing the Brownfield policy we're determining how much •• how much restoration has to be done and then are we, then, absorbing the cost or would the New York •• would the DEC do that because they are owners or hold liens on it. Who is responsible for the remediation?

LEG. MONTANO:

Well, actually the owner was originally •• Mea, at any point interject. This is abandoned. The owner is responsible. DEC has put in substantial sums and so has EPA. One of the reasons that I'm asking for this resolution is so that we can, you know, ascertain what the investments were by EPA and DEC. And the reason that the County hasn't taken the property and auctioned it already was because of these outstanding liens. If we took the property outright, we would take it subject to those liens. I'm not advocating taking it subject to the liens. I'm advocating taking this property once we are able to liquidate those liens and take it free and clear, except probably for the back taxes. That we're going to absorb.

LEG. VILORIA • FISHER:

How about the liens?

LEG. MONTANO:

DEC and EPA would have to basically relinquish their right to collect against the County and there proceed against the prior owner, which they're never going to find because the prior owner has abandoned the property. It has been sitting there for ten •• for over ten years and it's an eyesore in the community. It is a fenced in •• right on Suffolk Avenue, you know, there's a crappy fence there than anybody could walk over, and it is a real eyesore in the community.

LEG. VILORIA • FISHER:

Counsel, did you want to add?

MS. KNAPP:

It does specifically say that the County shall exercise its normal rights to take title subject to the discontinuance of any liens or rights held by third parties including the DEC and EPA.

LEG. VILORIA • FISHER:

And is that likely that they would relinquish their liens?

MS. KNAPP:

Actually, the •• I have the lawyer for the EPA sort of nodding in the back there. I was about to say that we had an interesting example. This Legislature recently approved a piece off 110 where the DEC and the EPW were able to resolve the issues of money so that all the entities bore a little bit of pain I guess is the best way to put it.

LEG. MONTANO:

I might add I have already been in contact and in discussions with DEC. They provided me some information. It seems that this project is moving smoothly. It is doable, but it is not a done deal.

LEG. VILORIA • FISHER:

Okay. Thank you.

CHAIRMAN LOSQUADRO:

Counsel.

MS. KNAPP:

May I just correct myself. It is actually on this agenda. That, I guess, is why you are here, that agreement.

LEG. VILORIA • FISHER:

I think he mentioned that that's why he was here.

LEG. BISHOP:

On the motion.

CHAIRMAN LOSQUADRO:

Legislator Bishop.

LEG. BISHOP:

Yes. This parcel is abandoned by a bankruptcy trustee? It's literally owned by nobody, is that the ••

LEG. MONTANO:

You know, that's a good question. I haven't seen the title search. Either abandoned by a in bankruptcy or by a corporation that's no longer in existence.

LEG. BISHOP:

Right.

LEG. MONTANO:

Either way there's no one to collect from.

LEG. BISHOP:

Right. Okay. I have these in my district and I actually wrote legislation which requires •• they have been ignored by successive County Executives now. It actually requires the County on all abandoned Brownfields to do a phase one and establish what the needs are on each one. But the ••

LEG. MONTANO:

I think that was done here.

LEG. BISHOP:

Yeah. So what I'm trying to find out •• do we •• the fact that there are liens means I guess there was clean•ups that already occurred?

LEG. MONTANO:

Yes. Clean•up •• substantial clean•up has occurred. As matter of fact, this property, from what I understand, is already approved for certain uses. We wouldn't want to put a school there, for instance, but we may want to •• we could put an industrial building or as I said, we are looking at the possibility of doing a community resource center and by putting in a parking lot and paving it we might be at the point now where we can readily use this property for positive purposes. But our certain as a County is to ensure that we don't have this, we don't take on this enormous debt for the clean•up that wasn't our responsibility. And I want to make sure •• and, you know, look. We either resolve this with DEC or EPA or the land sits there in perpetuity, and that's something that I think the government is looking to avoid.

LEG. BISHOP:

Yeah. Right.

LEG. MONTANO:

And we can't sell it privately because no investor is going to come in here, buy this property subject to the liens.

LEG. BISHOP:

But you see •• I commend you on the legislation, but you see hundreds of gas stations abandoned throughout the County that I have one in my district •• three, but one in particular has been 15 years in the same state of neglect and abandonment.

LEG. MONTANO:

With respect to that, has money been put in there to clean it up or it still needs clean•up?

LEG. BISHOP:

Everybody's incentive is to walk away. And you don't even know what's underneath. It doesn't

rise to superfund. It's not a big spill, it's just contaminated and so everybody's incentive is to run.

LEG. MONTANO:

There is a file, correct me if I am wrong, there is a file on this in the Health Department. There has been active activity on this. DEC has an extensive file and they have done extensive work.

CHAIRMAN LOSQUADRO:

Very good. Jackie, if you would like to enumerate what those line of concerns are.

MS. CAPUTI:

Yes, just real quick. Real quick. We find that the language of the resolution is generally mandatory rather than permissive in directing the County to do certain things. We would like to see a little bit more flexibility.

LEG. BISHOP:

Why?

MS. CAPUTI:

Because there's so many potentially serious environmental issues on the property and some other issues that need to be investigated before we can go full speed ahead.

CHAIRMAN LOSQUADRO:

Are we talking about shalls versus mays and that sort of thing?

LEG. MONTANO:

But we already have a subject to. So, I mean, really, that's why I say, the language is not of major consequence to me as the sponsor of the bill. I don't think it has major legal significance but rather than avoid, you know, to avoid a possible veto if we can work on the language I will take a C of N and maybe switch bills on Tuesday.

MS. CAPUTI:

All it would say then is that if it's not worked out we will be making probably a little bit more detailed, you know, argument against it at the general meeting. I didn't want to take anybody

by surprise, but we are trying to work with Legislator Montano to resolve that issue.

LEG. BINDER:

I'll make a motion to discharge.

CHAIRMAN LOSQUADRO:

You want to discharge without recommendation, Legislator Binder?

LEG. BINDER:

Yes.

CHAIRMAN LOSQUADRO:

All right. Very good.

LEG. VILORIA • FISHER:

Second.

CHAIRMAN LOSQUADRO:

And I would say, you know, I'm sure whatever minor differences there are, I would like to see them worked out because I think it's •• second by Legislator Viloria•Fisher. All those in favor? Opposed? 1353 is discharged without recommendation. **(Vote: 5•0•0•1 Legislator Kennedy not present)**. And I hope to see this approved on Tuesday.

1355 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (CR 111 Properties, Mount Sinai) Town of Brookhaven). This is the 111 Properties in Mount Sinai.

LEG. VILORIA • FISHER:

And aren't we all happy that we sponsored that and gave it to the voters to vote on it for environmental preservation.

CHAIRMAN LOSQUADRO:

Mr. Isles.

MR. ISLES:

Okay. This is a conglomeration of parcels located south of State Route 347, Nesconset Highway. It is along what's known as County Road 111 which is in this portion undeveloped so the County does own title to that property, but at point there is not an intention to build a road to the best of my knowledge.

Outlined in the map are blue parcels the County does own presently. Outlined in the map are yellow parcels that are the subject of this resolution. The Planning Department did review this in accordance with the rating form for active parklands since the resolution does indicate an intent for the development of ball fields. The rating is included with the •• what we've submitted to you. And it came in as a rating of 46 points based on the information we have available right now.

The resolution indicates that the Town of Brookhaven has indicated a willingness to participate with the county in some form for the development of this. Obviously prior to an authorizing resolution we would have to see a resolution from the Town of Brookhaven before moving forward. But essentially that's it. It's not environmentally sensitive in any specific way. It would be a candidate for active recreation but here again the rating form does give it 46 points.

CHAIRMAN LOSQUADRO:

Absolutely. And I'll just explain to •• I have had a couple of questions come around. I'll just give a brief explanation. This is, I believe, an excellent candidate for active recreation being that it's right along 25A just east of the 347, 25A split. There is a small wooded section next to a restaurant and then Hawkins and Spense Gravel, the company is there. That wooded section is the County 111 right-of-way which would give access off a major roadway but it's still set back off the roadway.

LEG. VILORIA • FISHER:

But there's not a sign that says 111 anywhere there.

CHAIRMAN LOSQUADRO:

No.

LEG. VILORIA • FISHER:

Okay.

CHAIRMAN LOSQUADRO:

No. This is just a wooded area.

LEG. VILORIA • FISHER:

Okay. That's why, then.

CHAIRMAN LOSQUADRO:

If you see just to east, somebody asked me about the ball field that looks like it's tucked back there in the middle of the woods. That is actually privately owned by the paving and gravel company. They have their own private ball field which their employees use, nice little perk for their employees. That is not a public facility.

LEG. VILORIA • FISHER:

Dan, this is right after the shopping center.

CHAIRMAN LOSQUADRO:

Yes. This is actually just to the east of my office. My office is in the King Kullen shopping center there.

LEG. VILORIA • FISHER:

Right. Okay. So King Kullen is right off the page here. Okay.

CHAIRMAN LOSQUADRO:

And being that a TDR was already done, the blue parcels provide a natural buffer from the surrounding properties. So I believe it to be a very good candidate for active recreation. I will make a motion to approve.

LEG. VILORIA • FISHER:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Viloria•Fisher. All those in favor? Opposed? 1355 is approved. **(Vote: 5**

•0•0•1 Legislator Kennedy not present)

1359 (To promote Workforce Housing by adopting a transfer of development rights implementation plan). We have a motion by Legislator Vilorio•Fisher. Seconded by ••

LEG. VILORIA•FISHER:

Nobody else is paying attention.

CHAIRMAN LOSQUADRO:

Seconded by Legislator Bishop, at least for the purposes of discussion. On the motion, I see the next bill before us, 1374, is accepting and approving a report from the Suffolk County Department of Planning about this very thing. So if I could just get an explanation as to how •
• what this bill is and how these tie together.

LEG. VILORIA•FISHER:

Yes. Okay. Actually, the County Executive has said that it's no problem if we just table his subject to call because his staff had automatically gone ahead and put this resolution together. And I had already been working on a resolution and so as you can see mine was filed first and so the County Executive said we could just table theirs subject to call. It's doing the same thing. It's implementing the process that the Planning Department and the Health Department have been working on for a very long time on how to do the TDR process.

CHAIRMAN LOSQUADRO:

Okay.

LEG. VILORIA•FISHER:

And they did a presentation here.

CHAIRMAN LOSQUADRO:

I understand, but wasn't one of reasons for opposing Legislator Caracciolo's bill was that you were in the process of putting together your own?

LEG. VILORIA•FISHER:

Right. And they did it.

CHAIRMAN LOSQUADRO:

But you filed a bill that you now say negates the necessity of their bill?

LEG. VILORIA • FISHER:

Oh, no, no, it doesn't negate it, no. What it does is it •• we have to vote on their plan so all this bill does is give us a vehicle to vote on their plan.

CHAIRMAN LOSQUADRO:

Oh, okay. This is just the implementation.

LEG. VILORIA • FISHER:

Yes.

CHAIRMAN LOSQUADRO:

Very well. I see what you mean. All right. So, did anyone have any other questions on the motion? Jay?

MR. SCHNEIDERMAN:

No.

CHAIRMAN LOSQUADRO:

Okay. We had a motion and a second. Mr. Zwirn, is everything ••

MR. ZWIRN:

Everything Legislators Fisher said is correct.

CHAIRMAN LOSQUADRO:

Very well. All those in favor? Opposed? 1359 is approved.

(Vote: 5•0•0•1 Legislator Kennedy not present).

1374 (Accepting and approving a report from the Suffolk County Department of Planning to establish a program to administer and implement a transfer of development rights program in conjunction with the Save Open Space Bond Act). We

heard the testimony just given on that. So there is a motion to table subject to call by Legislator Vilorio•Fisher. Seconded by myself. All those in favor? Opposed? Motion is tabled subject to call. **(Vote: 5•0•0•1 Legislator Kennedy not present)**

1419 (Reorganizing and strengthening the Nassau•Suffolk Regional Planning Board, and renaming the board "The Long Island Regional Planning Council"). We heard about this earlier. I unfortunately am making a motion to table again, but I believe we are very close on that with Nassau County.

LEG. SCHNEIDERMAN:

I don't think we're very close but I will agree with the motion to table.

CHAIRMAN LOSQUADRO:

I'm optimistic. Motion to table by myself.

LEG. SCHNEIDERMAN:

I'll second.

CHAIRMAN LOSQUADRO:

Second by Legislator Schneiderman. All those in favor? Opposed? 1419 is tabled. **(Vote: 5•0•0•1 Legislator Kennedy not present)**

1426 (Designating the week of April 22 as Green Earth Week in Suffolk County).

LEG. SCHNEIDERMAN:

What is this? For what year?

CHAIRMAN LOSQUADRO:

Counsel.

LEG. VILORIA•FISHER:

Motion.

CHAIRMAN LOSQUADRO:

Counsel, could we get an explanation on this?

LEG. SCHNEIDERMAN:

Do we have to paint everything green? What is this?

MS. KNAPP:

The only comment I would make is that it does say and every year thereafter. But ••

MR. ZWIRN:

But that's not always going to be •• I just thought this was like a test resolution to make sure he was paying attention late in the day. He

CHAIRMAN LOSQUADRO:

So we had motion table subject to call by Legislator Bishop. Second by ••

LEG. SCHNEIDERMAN:

Motion to table.

LEG. BISHOP:

What is Earth Day? Is that a set day every year like Christmas? Or does it move?

LEG. BINDER:

But it's not green.

LEG. VILORIA • FISHER:

April 23.

MS. KNAPP:

April 22 is Earth Day.

LEG. BISHOP:

It's always Earth Day.

MS. KNAPP:

April 22 is Earth Day.

LEG. SCHNEIDERMAN:

It's green but it's not wheat free.

LEG. BINDER:

Why don't we ask the sponsor?

CHAIRMAN LOSQUADRO:

We'll speak with the sponsor. There's a motion to table by Legislator Binder, seconded by Legislator Schneiderman. All those in favor? Opposed? 1426 is tabled. **(Vote: 5•0•0•1 Legislator Kennedy not present)**

1428 (Authorizing the County Executive to execute an agreement and covenant not to sue with the United States Environmental Protection Agency and the New York State Department of Environmental Conservation). If you could please come forward, sir. We just need a brief explanation on this. We have truly had examples of outstanding patience today by numerous individuals.

LEG. SCHNEIDERMAN:

Three and a half hours later from when they got here.

CHAIRMAN LOSQUADRO:

Thank you, sir.

LEG. SCHNEIDERMAN:

I hope you're getting paid by the hour for this.

LEG. BISHOP:

He's a government lawyer.

MR. GARVEY:

My name is Carl Garvey. I'm an attorney with the USEPA Office of Regional Counsel.

LEG. VILORIA • FISHER:

It's hard to hear you.

CHAIRMAN LOSQUADRO:

Just bring it up a little bit.

MR. GARVEY:

Okay. Thanks. I'm an attorney with the US Environmental Protection Agency in our regional office in New York. Again, my name is Carl Garvey. I happen to be a resident of Legislator Schneiderman's district. I'm here to encourage the committee to support the resolution; to have the County enter into this very novel settlement with the County, the United States EPA, the State of New York and to be named later new property owner of the _Circuitron_ property.

It's an approximately one acre parcel in a light industrial area off of Route 110. It has been fallow since the mid •• about 1986. EPA has been participating or performing a clean•up of severe VOC or volatile organic compounds, contamination in the soil and groundwater there since 1988. We have incurred over \$16 million dollars in costs and the only hope we have of any cost recovery is in the value of this property. There are no other potentially responsible parties that we can seek recovery from.

Several years ago we entered into negotiations with the County Attorney's Office and the Real Property Division to see if there is some common ground we could find to craft a settlement where EPA could relinquish it's liens, very similar to what the Liberty Plating site entails. This, I think, it's maybe an order of magnitude bigger in cost and the contamination, the severity of the contamination and the length of the clean•up.

However, it's taken us a couple of years but we've hammered out what we feel is a very innovative and very workable solution to have not only the EPA compromise or relinquish its liens, but the State of New York as well and the County with it's tax lien. So basically we're working together to have this property fully passed to a new beneficial user fully unencumbered by any liens. The only hitch is we have a couple more years of clean•up work to be done at the site and presently it's a vacant lot except for a small treatment plant and we pipe contaminated water from the south up to the site and treat it and then reinject it underground at the site. So,

basically it can be used for the foreseeable future for parking, something above grade.

There is a tremendous interest in this property. Apparently there is not much vacant land in that part of the County. And it's a very active light industrial area so a lot of people are interested in purchasing this. We would like to help return it to productive use and get it back on the tax rolls for the County.

CHAIRMAN LOSQUADRO:

It sounds like there is a number of very innovative proposals in here. It sounds very good. Legislator Binder.

LEG. BINDER:

Can I get the exact location? Where on 110?

MR. GARVEY:

82 _Milbar_ Boulevard, which is about two or three blocks off of 110 to the east, not that far south of the SUNY Farmingdale entrance.

LEG. BINDER:

Is it in Babylon? I mean, you're close to the line.

MR. GARVEY:

It's in the Town of Babylon.

LEG. BINDER:

It's actually in the Town of Babylon.

MR. GARVEY:

It sure is. Actually Maxine Postal was •• the first meeting we had with County on this way back when, very interested when she was representing Babylon.

CHAIRMAN LOSQUADRO:

And obviously the County Attorney's Office is in agreement with this. This was all hammered out ••

MS. KOHN:

Yes.

CHAIRMAN LOSQUADRO:

Everything is to your liking?

MS. KOHN:

We feel comfortable with the provisions of the agreement from a legal perspective. You know, we feel that any potential liability is minimized. Under the agreement the County would auction, attempt to auction the property first. We wouldn't close on the property until we actually •• I mean, we wouldn't take title to the property until we closed. The County would flip the property to the new owner so that we would own it for very, you know, very short time.

Also we feel comfortable because the property has been cleaned up to a substantial degree at this point. So I can't say that there is absolutely no potential liability but I think it's really been minimized and the possibility is very, very remote, so my office feels comfortable with it.

CHAIRMAN LOSQUADRO:

Very good. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

In this novel arrangement who are we agreeing not to sue?

MS. KOHN:

The County would be agreeing not to sue EPA for recovery costs, except I think there are some emergency recovery provisions. It's basically EPA would be agreeing not to sue us. The State would be agreeing not to sue us. They would also agree not to sue the auction purchaser who would sign on to this agreement as one of the conditions of his taking the property. So that when the auction purchaser paid a portion of the proceeds, which would be •• the EPA share would be 80%, the State share would be 10.5%, the County share would be 9.5%. When that money went to EPA, EPA would agree to forgive its liens which as of December were approximately \$15 million.

LEG. SCHNEIDERMAN:

Is there current litigation over this property?

MS. KOHN:

I'm sorry.

LEG. SCHNEIDERMAN:

Is there current litigation involving this property?

MS. KOHN:

Not that I'm aware of.

MR. GARVEY:

No. There are litigation involving this property, actually it was one of the first criminal prosecutions under New York State law done by Linda _Spar_ of the Suffolk County DA's Office back in the late 80's, but that's it. And there has been no other •• because there are no other parties to sue.

LEG. SCHNEIDERMAN:

Did it have to do with the dumping?

MR. GARVEY:

Right.

LEG. SCHNEIDERMAN:

The contamination.

MR. GARVEY:

Right, illegal dumping.

MS. KOHN:

And just one thing I would like to make you aware of is that the County also •• probably would not be reimbursed for the full cost of the tax, the back taxes. However, the property would

have a chance of being restored to the tax rolls. But there was a •• there is a County tax.

LEG. SCHNEIDERMAN:

That would depend on what it was auctioned for. There is no auction involved here?

MS. KOHN:

There would be auction and the issue ••

LEG. BISHOP:

It goes back to the tax rolls.

LEG. SCHNEIDERMAN:

Right. I understand that. But we're taking about the property, right, and then we're ••

MS. KOHN:

We would take title to the property, but it would be after the auction.

LEG. SCHNEIDERMAN:

It's already cleaned up or we are cleaning it up? I'm sorry.

MS. KOHN:

Much of it has been cleaned up. The treatment system is still operating.

LEG. SCHNEIDERMAN:

And the costs are being covered by the EPA.

MR. GARVEY:

Right.

LEG. SCHNEIDERMAN:

Okay.

MR. GARVEY:

Since day one this has been paid for out of the superfund.

LEG. SCHNEIDERMAN:

I'm sorry. I'm functionally brain dead at this point. Okay. All right. It sounds fine.

LEG. BISHOP:

You got it.

MR. GARVEY:

I would just add that I hope that we can use this as a model for some other similarly situated properties in the County. That's a hope of EPA's at least.

LEG. BISHOP:

I'll make a motion. It's my town.

CHAIRMAN LOSQUADRO:

We have a motion by Legislator Bishop, seconded by myself, to approve. All those in favor? Opposed? 1428 is approved. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

LEG. BISHOP:

Do we have any other ones we can do this with?

MR. GARVEY:

Yes, there's apparently ••

LEG. VILORIA•FISHER:

Liberty Plate.

MR. GARVEY:

Well, Liberty Plating for one. And another one I think in Central Islip, the name of which has escaped me all afternoon.

LEG. MONTANO:

Central Islip is that the property ••

LEG. BISHOP:

I didn't mean to have it on the record.

LEG. MONTANO:

There is another property in Central Islip that I'm going to be requesting the same kind of situation. It's right near the railroad tracks off Suffolk Avenue. Is that the one you are referring to? I think those are the two in my district that are •• that need some work.

CHAIRMAN LOSQUADRO:

Very good.

LEG. SCHNEIDERMAN:

We're getting there.

CHAIRMAN LOSQUADRO:

14 •• motion obviously is approved.

1430 (Authorizing an Inter•Municipal agreement for the creation of a Lake Ronkonkoma Management Advisory Commission).

LEG. BINDER:

I thought it existed.

CHAIRMAN LOSQUADRO:

I was going to say I would like an explain on this because resolution 2032 of 2000 ••

LEG. BINDER:

Motion to table. We can look at it ••

CHAIRMAN LOSQUADRO:

Reestablished the Lake Ronkonkoma Advisory Board.

LEG. BINDER:

Motion to table. Give us two weeks. We'll take a look at this. We're coming back in two weeks.

CHAIRMAN LOSQUADRO:

Anyone?

LEG. BINDER:

Motion to table.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Binder.

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Schneiderman. All those in favor? Opposed? 1430 is tabled. **(Vote: 5 •0•0•1. Legislator Kennedy not present)**. I would ask that we look into the history of this.

Sense Resolutions

Sense resolutions. **Sense 15 (Memorializing resolution requesting United States Congress to restore funding to the Environmental Protection Agency projects for the Long Island Sound).**

LEG. BISHOP:

Motion.

CHAIRMAN LOSQUADRO:

Motion by Legislator Bishop. Second by Legislator Binder. All those in favor? Opposed? Sense

15 is approved. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

Sense 29 (Sense of the Legislature resolution requesting the County Executive to appoint Vincent Taldone to the Suffolk County Planning Commission as an at large member). Motion by Legislator Binder, second by Legislator Schneiderman. There is a motion and a second. Motion by Legislator Vilorio•Fisher, seconded by Legislator Bishop to table, takes precedence. All those in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. SCHNEIDERMAN:

Opposed.

CHAIRMAN LOSQUADRO:

3 opposed. **Motion to table fails.** Motion and a second already to approve. All those in favor? Opposed? Abstentions?

LEG. BISHOP:

Abstention.

LEG. VILORIO•FISHER:

Abstention.

CHAIRMAN LOSQUADRO:

Two abstentions. Sense 29 ••

LEG. BINDER:

On a Sense all you need is a majority of those present.

CHAIRMAN LOSQUADRO:

The majority of those present. Is that right, Counsel?

LEG. VILORIO•FISHER:

I thought it was the majority of the ••

MS. KNAPP:

It is the majority of the membership to approve a resolution. To approve a resolution. A sense resolution, we have historically put them through a committee. However, they can be voted on at any time, you know, and even in the general Legislature. You don't have to lay them on necessarily.

LEG. BISHOP:

It's the majority of who's here.

MS. KNAPP:

I mean, technically to approve a resolution you need a majority of the entire committee.

LEG. BISHOP:

If you have a quorum.

LEG. BINDER:

You need the majority of the committee. It fails.

LEG. BISHOP:

You want to table it now?

CHAIRMAN LOSQUADRO:

Motion did not carry.

LEG. SCHNEIDERMAN:

Motion to discharge without recommendation.

LEG. BISHOP:

I'm on the prevailing side. To reconsider.

LEG. SCHNEIDERMAN:

To reconsider. I'll second. Then we'll discharge without recommendation.

LEG. BISHOP:

I withdraw.

CHAIRMAN LOSQUADRO:

All right. **Motion did not carry.** If the sponsor would like, we can take it up before us at the Tuesday meeting since it technically is not necessary to go through committee. So motion did not carry, it did not fail, it was not tabled.

CEQ Resolutions

CEQ. We're almost done. And yet another patient individual, Mr. Bagg. Thank you, Jim.

Thank you, Mr. Bagg, for waiting. With agendas like this in the future we may bring you up first.

Resolution 31•05 (Proposed SEQRA classifications of Legislative Resolutions Laid on the Table on April 20, 2005 (Type II actions)). Motion by Legislator Schneiderman, second by Legislator Bishop. All those in favor? Opposed? 31•05 is approved. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

32•05 (Proposed rehabilitation of Shinnecock Canal Bulkhead, CP #5348, Town of Southampton (Type II action)).

MR. BAGG:

Yes. This is simply repairing the cracks and spawls in the concrete bulkhead.

CHAIRMAN LOSQUADRO:

Same motion same second, same vote. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

33•05 (Proposed DPW Sanitation Division Garage, Yaphank, Town of Brookhaven (Unlisted action; Negative Declaration)).

MR. BAGG:

This project involves the designing construction of a 100 foot by 200 foot building to house large Sanitation Division mobile equipment adjacent to the Yaphank Counties Center Sewage Treatment Plant. It is currently stored outside.

CHAIRMAN LOSQUADRO:

Very good. Same motion, same second, same vote. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

34•05 (Proposed donation of 0.14 acres of Land for Suffolk County Park Purposes in the Hedges Creek County Wetlands Area, Town of Brookhaven (Unlisted action; Negative Declaration)).

MR. BAGG:

This is a donation of a small parcel of property in an existing park area for passive uses. Council recommends that it is an unlisted action, negative declaration.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

35•05 (Proposed donation of 0.18 acres to Suffolk County Parks within the Mastic/Shirley Conservation Area, Town of Brookhaven (Unlisted action; Negative Declaration)).

MR. BAGG:

This is the same thing, unlisted action, negative declaration.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

36•05 (Proposed donation of 0.1 acres to Suffolk County Parks within the Patchogue River County Nature Preserve Area, Town of Brookhaven (Unlisted action; Negative Declaration)).

MR. BAGG:

Same thing, unlisted action, neg dec.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

37•05 (Proposed donation of 0.11 acres to Suffolk County Parks within the South Setauket Woods Nature Preserve Area, Town of Brookhaven (Unlisted action; Negative Declaration)).

MR. BAGG:

This is the same thing, unlisted action, negative declaration.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

38•05 (Proposed donation of 0.37 acres to Suffolk County Parks within the Warblar Woods County Park and the Beaverdam Creek Headwaters Area, Town of Brookhaven (Unlisted action; Negative Declaration)). If I could please ask people to keep it down for just a couple of moments longer. Same thing. Same motion, same second, same vote. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

39•05 (Proposed acquisition of 1.37 Acres of Land by Suffolk County for Park Purposes • Hauppauge Springs • Rawluk, Town of Smithtown (Unlisted action; Negative Declaration)).

MR. BAGG:

That's correct. This is a proposed acquisition.

CHAIRMAN LOSQUADRO:

Proposed acquisition but same neg dec.

MR. BAGG:

Yes, unlisted action, negative declaration.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

40•05 (Proposed acquisition of 3.7 Acres of Land by Suffolk County for Park Purposes • Pipes Cove • Rendel, Hamlet of Greenport, Town of Southold (Unlisted action; Negative Declaration)). Same neg dec.

MR. BAGG:

Same type of thing. Acquisition 3.7 acres unlisted action, negative declaration.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Vote: 5•0•0•1. Legislator Kennedy not present)**

And **41•05 (Proposed acquisition of 17.1 Acres of Property Known as Third Creek Woods by Suffolk County for Park Purposes, Village of Dering Harbor, Shelter Island (Unlisted action; Negative Declaration)).**

MR. BAGG:

This is the same thing, an acquisition 17.1 acres for multifaceted land preservation. Council recommends an unlisted action, negative declaration.

CHAIRMAN LOSQUADRO:

Thank you, Mr. Bagg. Same motion, same second, same vote. **(Vote: 5•0•0•1. Legislator Kennedy not present).** No further business before this committee, we stand adjourned.
Thank you.

(THE MEETING CONCLUDED AT 5:43 PM)

DENOTES SPELLED PHONETICALLY

